

Measuring the Implementation of the Executive Plan for the National Integrity System in 2014

(Draft for Public Commenting – Not Final Copy)

by

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Opening

This report was meant to give citizens, civil society actors, and government officials a clear idea of the NIS plan, its content, and the progress of implementation. The report will be useful for these actors to hold one another accountable for the implementation of the plan that has already occurred, while also increasing accountability for future implementation.

This report, therefore, is only a starting point; for it to be effective, a broad spectrum of actors from across Jordanian society must come together to continue monitoring implementation, engaging in conversations with one another, and providing each other feedback on their experiences implementing the plans.

For the plans to be implemented in the most effective ways, government officials and agencies should seek out citizens and civil society groups and seek their input on the plans. Using this report and other citizen feedback as key pieces of information, they should work to ensure that they implement the plan in a timely fashion and with justice, integrity, and inclusion of all of Jordan's diverse groups.

Citizens and civil society, on the other hand, are encouraged to read the National Integrity Charter and Executive Plan for themselves. In addition, they should continue to positively engage with the government to monitor the plan's implementation, give feedback, and give the government a clearer idea about how the reforms can be made to work for their needs.

As expressed in the King's Royal Letter and in the National Integrity Charter, the process of implementing the plan should be an inclusive and collaborative effort, in order to ensure the overall success and quality of the reform effort.

The Research Team

Background

Background: RASED for Open Government Monitoring

Through its RASED (“The Monitor”) for Open Government Monitoring Program, Al Hayat Center works to monitor the Jordanian government’s performance in regards to selected commitments/plans through the lens of transparency, accountability, openness, and participation. In addition, through this program’s work with civil society and government actors, Al Hayat seeks to connect citizens to their government and keep them informed of the government’s performance in key areas of governance, simultaneously working to create more opportunities for citizens to engage directly with their government in the decision making process.

Background: The Report

This report was prepared by Al-Hayat Center for Civil Society Development through its RASED for Open Government Monitoring Program. The report aims to present a clear picture of a significant reform plan currently being implemented by the Jordanian Government, namely the *Executive Plan for Strengthening the National Integrity System*. This plan, developed voluntarily by the Jordanian government based on a Royal Decree, addresses a number of key policy changes to increase the integrity, transparency, accountability, and openness in government administration, service delivery, development, and overall civic and political life. The areas addressed in the plan hold great importance for all citizens of the Kingdom, as well as civil society actors and members of the government themselves.

This report, which appears to be the first in Jordan written about the NIS Plan, seeks to explain the reform plan and to evaluate the progress of its implementation from the time of first implementation according to the timeline included in the plan until December 31st, 2014. For all commitments Al Hayat selected from the NIS plan, this report gives background, analyzes the specific action points in the commitments, reports on government progress implementing them, and presents internationally recognized best practices and recommendations that could be useful for planners to take into account. This report should give citizens, civil society, and government actors the tools to understand the plan, so they can work to support the plan’s objectives and engage with one another to ensure that the plan is implemented fully in a way that is inclusive of all Jordan’s citizens.

This report is not meant to give a comprehensive overview of the NIS, but should give citizens a sample idea of the kinds of reforms that are addressed therein, as well as the steps different government agencies have taken to implement it. This can be useful for helping citizens and civil society understand the NIS process, as well as giving them a basis on which to conduct their own activities to promote transparency and accountability

The main focus of this report is the period from January 2014 to December 2014. The information contained in this report is meant to be current as of December 31st, 2014. In some cases, information from after December 31st was used to supplement the report at the discretion of the researchers, but nothing in this report is meant to

indicate the status of any commitments after December 2014. Al Hayat will publish 3 follow up reports monitoring of the implementation of this plan over the next 15 months. Any steps taken to implement the plan in 2015 will be included in Al Hayat's next monitoring reports, according to the timeline specified by the research team.

Overview of the Executive Plan for the National Integrity System

The Executive Plan for the National Integrity System – from hereon in referred to as the NIS plan - was published alongside the National Integrity Charter and provides a set of commitments designed to strengthen integrity in the public, civil society, and private sectors. The National Integrity Charter defines “integrity” as “the recognition and respect of others’ material and non-material rights and not to trespass over them by succumbing to the temptations of making illegal or undeserved benefits. It is voluntary and complete compliance with the spirit of the law in a way that ensures genuine spirit of citizenship.”¹

The Charter discusses the need to increase national integrity in different sectors including the Executive Branch, the Judicial Branch, the Legislative Branch, , independent institutions, the private sector, media, civil society institutions and religious, cultural and educational institutions.” The plan contains 20 reform “Aspects”, or broad categories for reform, which are outlined in the table below. These aspects are broken down into 132 distinct commitments which deal with more specific reform actions.² Al Hayat Center decided to select 68 of these 132 commitments for its report in order to study certain components of the NIS in depth and thoroughly. Al Hayat focused on these commitments because in its opinion these dealt with issues that have long been of interest to members of Jordan’s civil society, and because Al Hayat perceives significant opportunity for reform in these areas in the coming years.

¹ The Hashemite Kingdom of Jordan, (2013). The National Integrity System “Charter and Executive Plan”.

² The number 132 is by Al Hayat Center’s count. Al Hayat counted as a commitment any blocs of text in the plan that were preceded by the arrow (←) symbol and/or those that were included in separate rows in the table that comprises the plan.

The 20 Aspects of the Executive Plan <i>(Aspects in bold include commitments chosen for analysis in this report)</i>	
<ol style="list-style-type: none"> 1. Enhancing the role of public oversight agencies 2. Enhancing the role of internal control units 3. Enhancing the role of sectoral regulators and control agencies 4. Revisiting the legislative, regulatory and procedural structure of the preparation mechanism of state budget 5. Revisiting the legislative, regulatory and procedural structure of the mechanism of supplies and public works tender referral 6. Upgrading and circulating standards of government services 7. Seventh Aspect: Revisiting and unifying the financial systems applied in the government apparatus 8. Developing public administration 9. Enhancing the principles and practices of good governance in the public and private sectors and civil society institutions 	<ol style="list-style-type: none"> 10. Upgrading the frameworks that regulate the participatory relationship between the public and private sectors 11. Revisiting the mechanism of drafting legislation and the existing legislation according to a priority scale 12. Enrooting a culture of transparency in public work 13. Rationing the granting of law enforcement status 14. Civil integrity and oversight agencies 15. Enhancing decentralisation and local governance 16. Reforming and developing the educational system 17. The Judiciary 18. Political and parliamentary development 19. Enhancing the culture of integrity and rule of the law among citizens 20. Follow-up on the implementation of the Executive Plan to Enhance the National Integrity System

Form of the Commitments

As stated above, the NIS plan contains 132 individual commitments. Every commitment in the plan is accompanied by a timeline and a listing of government organizations responsible for its implementation.. The commitments vary a great deal in their length and level of detail, and types of actions they discuss. A sample of a commitment as presented in the plan is as follows;

<ul style="list-style-type: none"> - Revisiting and developing the regulatory structure of the Audit Bureau and its administrative organisational system. 	First quarter 2014 - fourth quarter 2014	Audit Bureau, Ministry of Public Sector Development
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Development of the National Integrity System Charter and Plan

In a December 8, 2012 letter to Prime Minister Abdullah Nsour, His Majesty King Abdullah II discussed the achievements of political reform in Jordan and requested that the Prime Minister form a committee to help advance the climate of reform while fighting corruption and promoting integrity in the public sphere.¹ In response to the request, the Prime Minister formed the Committee for Strengthening the National Integrity System in 2013, which included a number of senior government officials and representatives of civil society groups. In September 2013, the committee announced its plans to create a National Integrity Charter and an Executive Plan for Strengthening the National Integrity System, two documents which would answer His Majesty's requests for a more robust reform effort.²

During the period preceding the plan's drafting, the Royal Committee engaged in a number of consultations. According to the report released accompanying the NIS plan³, the Royal Committee conducted 17 consultative meetings in 2013. Twelve of these meetings, held during September of the same year, were attended by "elite intellectual and opinion leaders... including former ministers, senators, deputies, along with members of consultative council in each governorate, tribal and refugee camp leaders, mayors, senior retired military officers and representatives from the chambers of industry and trade, professional associations, trade unions, political parties and the women and youth sectors." The committee also held five additional meetings, including a consultative meeting with university administrators, a meeting with government leaders, a meeting with political parties, professional associations, and CSOs, a meeting with the House of Representatives, and a meeting with the Senate.

The Prime Ministry uploaded a PDF document to its website around November 16th, 2013,⁴ informing the public that a draft of the NIS had been published and was available online, and it gave an email address and fax number for citizens to send comments to, with a deadline of November 26, 2013. It also contained a link to the draft plan, hosted on the file hosting website Dropbox.com.⁵ This announcement was not found on the Prime Ministry's webpage itself, but only through a direct link

¹The Hashemite Kingdom of Jordan, HM King Abdullah II Ibn Al Hussein. *Letters To Prime Ministers*. Accessed December 1,

2014, http://www.kingabdullah.jo/index.php/en_US/royalLetters/view/id/329.html

² The Hashemite Kingdom of Jordan, JRTV Channel, YouTube (September, 2013). *The Committee for Strengthening the National Integrity Committee* [In Arabic], accessed March 10, 2015, <https://www.youtube.com/watch?v=HWD8WU3dj28>.

³ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development (2013), *The National Integrity System Charter and Executive Plan, Report of the Royal Committee to Enhance the National Integrity System* [In Arabic]. p. 63-64.

⁴ The Hashemite Kingdom of Jordan, Prime Ministry (November 16, 2013). *Invitation from the Royal Committee to Strengthen the National Integrity System* [In Arabic]. Accessed March 23, 2015, <http://www.pm.gov.jo/uploads/NAZAHA-DOC-WEB.pdf>.

⁵ The Hashemite Kingdom of Jordan, Dropbox.com. *Draft of the National Integrity System Charter and Executive Plan*, accessed March 11, 2015, <https://dl.dropboxusercontent.com/u/35483759/NAZAHA-DOC-WEB.pdf>.

published in a number of news sources.⁶ Comments – if any - were not published for the public to read, but were only received internally by the Prime Ministry.

Al Hayat Center published a report that analyzed the development and content of the plan on November 21, 2013,⁷ criticizing the short period set aside for public commenting. Following this report and other complaints by civil society, the government announced an extension of seven days.⁸ It is interesting to note that the draft plan was not marked as a draft, and the plan does not appear to have changed between the draft version and the final version posted online on some of the governmental websites.

The different drafts of the NIS that have been circulated include:

1. The Draft NIS Plan published on Dropbox.com in November 2013 as a PDF in Arabic. This plan is not marked as a draft in any way, and is still available for viewing and downloading. The plan is missing 14 key provisions that were included in English and Arabic versions of the plan published by the MoPSD. The plan is simply dated “2013.”⁹
2. A version of the NIS Plan published on various ministries’ websites during 2014, including the website of the Ministry of Culture and the Ministry of Education. The version of the plan is published as a PDF in Arabic. This Arabic version also lacked 14 commitments that were included in English versions and other Arabic versions of the plan published by the MoPSD. These documents are also dated as “2013.”¹⁰
3. A single print version of the plan including both English and Arabic by the Ministry of Culture that was distributed to government ministries in the fall of 2014.¹¹ The plan, according to its cover page, is dated 2014. The English version of the plan contains a number of key provisions that were omitted from the Arabic version of the plan.
4. Versions of the NIS posted online by the Ministry of Public Sector Development after January 2014 as a PDF file in English and Arabic. The

⁶ See: Al Wakeel News. *Publication of the First Draft of the National Integrity Charter* [In Arabic], accessed March 12, 2015, <http://www.alwakeelnews.com/print.php?id=75824>.

⁷ Al Hayat Center for Civil Society Development. *First Analysis Report on the National Integrity Charter and Executive Plan* [In Arabic], accessed May 20, 2015, <http://www.hayatcenter.org/publication/1414652165.pdf>.

⁸ Al Dustour (November 25, 2013). *Al Dustour Publishes the First Draft of the National Integrity Charter and Executive Plan* [In Arabic], accessed March 12, 2015, <http://goo.gl/WpSdof>.

⁹ Dropbox.com.

¹⁰ Hashemite Kingdom of Jordan, Ministry of Culture *The National Integrity System Charter and Executive Plan 2013*, accessed March 15, 2015, <http://culture.gov.jo/new/images/manzomet.alnazaha.pdf>.

¹¹ The Hashemite Kingdom of Jordan, Ministry of Cultural Affairs, *The National Integrity System Charter and Executive Plan 2014* [In Arabic].

Arabic version of the plan included the several commitments that were omitted in the other versions described above. This plan is dated “2013.”¹²

5. A paper version of the plan printed in English and Arabic by the Ministry of Public Sector Development on an unknown date. It is dated 2013 on its cover page. This version of the plan includes the same commitments as the PDFs posted on the Ministry website, including all commitments in both English and Arabic.¹³
- 6.

The Royal Committee held a conference on the National Integrity System in December 2013 during which it discussed the final draft,¹⁴ and on January 9, 2014 the committee delivered the official copy of the NIS to the King in a ceremony held in the Royal Cultural Center in Amman.¹⁵ During the last step of the in combining the plan, the Royal Hashemite Court released an animated video on its Youtube channel on December 9, 2013, explaining the purpose and structure of the National Integrity System.¹⁶

The NIS was also used by the Jordanian Government as the basis for another reform plan, Jordan’s Second National Action Plan (2014-2015) for participating in the Open Government Partnership Initiative¹⁷. The Open Government Partnership (OGP) is a multinational initiative that works to encourage governments to engage in good practices for transparency and openness. Jordan’s participation in the OGP commenced in 2011 upon decision by the Cabinet. As part of Jordan’s participation in the OGP initiative, it is required to submit a 2 year action plan for reforms related to openness and transparency. Jordan’s first National Action Plan was released in 2011 and implemented during 2012-2013.¹⁸ Al Hayat Center, chosen by the OGP to be the official civil society monitoring body for this

¹² The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *The National Integrity System Charter and Executive Plan 2013*. Accessed January 30,

<http://www.mopds.gov.jo/ar/PDF%20Files/NIC%20Booklet%20Arabic%20Published.pdf>

¹³ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development, *The National Integrity System Charter and Executive Plan 2013* [In Arabic].

¹⁴ Al Rai (December 1, 2013). *Nsour: Ensuring the success of the National Integrity System is our common responsibility* [In Arabic], accessed March 10, 2015, <http://www.alrai.com/article/619600.html>.

¹⁵ Al-Rai (December 10, 2013). *The King: implementation of the NIS is a shared responsibility* [In Arabic]. Accessed December 2, 2014, <http://www.alrai.com/article/621174.html>

¹⁶ The Hashemite Kingdom of Jordan, The Royal Hashemite Court of Jordan YouTube Channel (December 9, 2013). *The National Integrity System* [In Arabic], accessed March 12, 2015, <https://www.youtube.com/watch?v=ys-zlpGGHXg>.

¹⁷ Open Government Partnership, Home Page, Accessed 13 March 2015, <http://www.opengovpartnership.org/>

¹⁸ The Hashemite Kingdom of Jordan (April 2012). *First National Action Plan 2012-2013*. Accessed December 10, 2014, <http://www.opengovpartnership.org/country/jordan/action-plan>.

effort, published a report on the First National Action Plan¹⁹ in April 2014.²⁰ Jordan's Second National Action Plan for the OGP consisted of 15 commitments, all of which were taken from the NIS plan. While some of the commitments had slightly different wording, all were exactly the same as commitments from the NIS. The commitments deal with five areas: internal and administrative controls; government service delivery standards; public administration and civil service development; good governance; and the media sector.

¹⁹ Amer Bani Amer and Mai Eliemat, Al Hayat Center for Civil Society Development (2013). *Independent Reporting Mechanism: Jordan Progress 2012-13: Jordan*, accessed December 20, 2014, <http://www.opengovpartnership.org/country/jordan/progress-report/progress-report>.

²⁰ Al Dustour (April 9, 2014). *RASED: The Government achieved 6 commitments of its Plan for the Open Government Partnership Initiative* [In Arabic]. Accessed December 5, 2014, <http://goo.gl/vh3KFv>.

Methodology

Methodology Summary (for beginning)

To create this report, a team of researchers from Al Hayat Center worked to gather and analyze objective facts and stakeholder opinions that would help readers understand the NIS plan and the implementation of its commitments. Al Hayat's research methodology, explained in more depth in Annex 1, was developed from years of experience in civil society research. Al Hayat's research focused on the background of the commitment policy areas, analysis of the commitments themselves, information about steps taken to implement the commitment, and internationally recognized best practices related to commitment content. Al Hayat conducted this research using a number of research methods, including literature review using online and print sources; semi-structured interviews with stakeholders such as government officials, civil society actors, private sector, and other interested citizens; consultants with specialized backgrounds and skillsets; and focus group forums with key stakeholders. The research team responsible for the report welcomes constructive feedback about the report; please address questions and comments to Director of the Research Unit Mai E'liemat at mai.e@hayatcenter.org.

Principles of Gender Equality and Gender Mainstreaming

Gender refers to “the social attributes and opportunities associated with being male and female and the relationships between men and women,”¹ thus what is typically male/female and accepted male/female behaviour. Further, gender theory views these social attributes and opportunities as well as the relationship between men and women as “socially constructed and are learned through socialization processes.”² In recent decades, a growing number of countries around the world have recognized that any kind of discrimination against citizens on the basis of gender is a violation of their fundamental human rights.³ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the UN General Assembly in 1979⁴ serves as a commonly accepted framework for efforts to end gender discrimination. Among its numerous goals, the Convention calls for, “ensuring women's equal access to, and equal opportunities in, political ... life.”⁵

The concept of *gender mainstreaming* is described by the UN as a strategy, which aims at “ensuring that gender perspectives and attention to the goal of gender equality are central to all activities - policy development, research, advocacy/dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects.”⁶ The European Commission further explains that the process of gender mainstreaming includes “mobilising all general policies and measures specifically for the purpose of achieving equality by actively and openly taking into account at the planning stage their possible effects on the respective situation of men and women (gender perspective). This means systematically examining measures and policies and taking into account such possible effects when defining and implementing them.”⁷ According to the United Nations Development Program (UNDP) “policy and implementation cannot be gender neutral in gendered societies.”⁸

In other words, due to the different (expected) roles and privileges in a society,

¹ UN Women. *Concepts and definitions*. Accessed February 4, 2015, <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

² Ibid.

³ United Nations. *Universal Declaration of Human Rights*. Accessed February 3, 2015, <http://www.un.org/en/documents/udhr/>, Article 1 and 2.

⁴ United Nations. *Convention on the Elimination of All Forms of Discrimination Against Women*. Accessed February 3, 2015, <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

⁵ Ibid.

⁶ UN Women. *Gender mainstreaming*. Accessed February 4, 2015, <http://www.un.org/womenwatch/osagi/gendermainstreaming.htm>

⁷ European Commission (2008). *Manual for gender mainstreaming; employment, social inclusion and social protection policies*. Accessed online November 20, 2014, <http://ec.europa.eu/social/BlobServlet?docId=2045&langId=en>, p. 3.

⁸ United Nations Development Programme (UNDP) (2001). *Gender in development program*, accessed February 3, 2015, <http://www.undp.org/content/dam/undp/library/gender/Institutional%20Development/TLGEN1.6%20UNDP%20GenderAnalysis%20toolkit.pdf>

policies cannot affect men and women in the same way. The process of gender mainstreaming seeks to highlight those differences and take these into consideration during the policy evaluation and formation process, so that ultimately policies made will address the needs of both genders. The UN stresses the importance of considering the “interests, needs and priorities of both women and men”⁹ and the need of “recognising the diversity of different groups of women and men.”¹⁰ For this to be done successfully, those specific target groups or stakeholders should be involved in the policy- and decision-making process, as the groups affected by policies would be able to judge best what needs to be added, changed, or omitted to achieve the best possible outcome.

This not only works to promote the rights of both men and women, but also will ensure gender policies to be more successfully implemented. Therefore, consulting with both women and men in the policymaking process is a crucial step to ensuring that policies will be both representative and likely to succeed in the real world.

Jordan’s Commitment to Gender Equality

Jordan is signatory of multiple international agreements, which address gender issues, such as the Convention on the Elimination of All Forms of Discrimination Against Women. This was signed the December 3, 1980, and later ratified on of July 1, 1992.¹¹ That same year, the Jordanian National Commission for Women was created as a national body to ensure women’s inclusion and empowerment.¹² Over the past two decades, the Royal Court and the Government of Jordan have kept gender equality in the Kingdom at the forefront of the country’s reform needs. In 2005 His Majesty King Abdullah II launched “Comprehensive strategy for social, political and economic transformation.”¹³ The strategy includes ambitious, and necessary, principles for empowering women, including:

- “Ensure equality and remove all forms of discrimination against women in Jordanian laws and legislation.
- Eliminate all wrongful social practices against women and correct negative stereotyping that undermine their rights.
- Increase women’s contribution to the economy and ensure that they become

⁹ UN Women. *Concepts and definitions*.

¹⁰Ibid

¹¹United Nations Treaties. *Declarations and Reservations*. Accessed February 3, 2015, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#EndDec. Jordan signed and ratified the convention with the exception to Article 9, Paragraph 2; and Article 16, Paragraph 1c, d, g.

¹² Jordanian National Commission for Women. *About Us: Milestones*. Accessed February 9, 2015, http://www.women.jo/en/about.php?cat_id=9&type=0.

¹³ The Hashemite Kingdom of Jordan, HM King Abdullah II Ibn Al Hussein. *Initiatives: National Agenda 2007-2017*. Accessed February 4, 2015, http://kingabdullah.jo/index.php/en_US/initiatives/view/id/2.html

“partners” with men in the development process.

- Support an increase in women’s representation in elected bodies.
- Ensure a reasonable share for women in official decision-making positions.
- Reconfirm the principle of equal opportunity regardless of gender.”¹⁴

Gender Mainstreaming in Evaluating the National Integrity System

In order to further support the mainstreaming of gender concerns in Jordan’s national reform process, Al Hayat Center included a gendered aspect in its analysis of the National Integrity System commitments. In its analysis of each commitment, any provisions that addressed gender disparities in the reform process in Jordan were specifically sought out. Even when there was no specific mention of women or gender issues, researchers analyzed the commitments to see if the substance of the reform efforts described had an obvious effect on women, or gender equality.

Analysis revealed that among the 68 commitments chosen for monitoring, not one of them dealt explicitly or implicitly with gendered issues. As a side note, this also appears to be the case for the remaining commitments in the NIS plan not researched in this report. In addition, in all of the reform commitments made, the plan does not address any gendered aspects of implementing reform in the Kingdom. Overall, the document does not seem to take into account that men and women face different challenges and opportunities in civic participation, and that any kinds of policy changes or reform efforts are bound to affect men and women differently in ways that might not always be obvious. Given Jordan’s longstanding commitment to working to achieve gender equality, it is surprising and disappointing that the government did not seize this chance to promote gender equality or at the very least mitigate the negative effects of gender inequality in its reform efforts. It is worth noting that the government’s effort to create the NIS did not include specific efforts to gather the views and concerns of women citizens. The Committee for Strengthening the National Integrity System was made up of 10 men and only one woman, and research did not reveal that the committee engaged in any specific outreach to Jordanian women. These conditions may have hurt the committee’s abilities to serve women citizens.

The NIS failed to address gender issues in two notable ways. First of all, it did not include any specific commitments meant to address the challenges that women face with respect to corruption, public administration, and government services. There is no doubt that the plan would have been a great deal stronger if it had included a number of aspects or commitments specifically designed to strengthen women’s inclusion in the national integrity system. In addition, the plan’s second shortfall was its failure to include any gendered considerations in its other commitments. Many of

¹⁴ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation (October 2005). *2006-2015 National Agenda*. Accessed February 4, 2015, <http://inform.gov.jo/en-us/By-Date/Report-Details/ArticleId/5/2006-2015-National-Agenda>.

the commitments that deal with legislative, institutional, or policy changes would have been a great deal stronger if they had included some consideration of gendered needs.

In this second category of commitments, Al Hayat identified several areas in the NIS where the lack of gender consideration represented a serious missed opportunity, including budget preparation, service delivery, local government, and higher leadership positions. Commitments in Aspects 4 and 12 deal with creating result-oriented budgets in a transparent manner; while these are positive commitments, they could have included some mention of the need to pay attention to the way that budgets affect women's concerns. A mention of the need for Gender Responsive Budgeting, which is the practice of mainstreaming women's participation into the budget making process, would have made the commitment even stronger. The commitments in Aspect 6 that deal with service delivery could have included provisions to ensure that services were equally accessible to men and women. Even better, the commitments could have addressed the need to give women greater voice and participation in the planning of service delivery. This is especially important given the fact that women are often the most vulnerable members of their communities and have a disproportionately difficult time accessing the services they need. Finally, the commitments in Aspect 15 dealt with strengthening decentralization, municipal work, and the quality of local leadership. These commitments could have included provisions to increase women's participation and inclusion, especially in the leadership of local government, since this is an area where women are severely underrepresented, leading them to miss out on key opportunities to participate and contribute to the well-being of their communities.

Considering the purpose and goals of the commitments and the National Integrity System as a whole, the lack of gender focus is a significant setback. Not only does this mean that the NIS ignores the perspective and potential effect of intended initiatives and plans on approximately half of the population – women — it fails to identify and address the specific challenges females face in political participation. As a result of it failing to identify and address gender issues, it will be difficult for the NIS to lead to substantive change for all of Jordan's citizens. In the implementation of the selected commitments as currently illustrated by the plan, women will remain in the margins.

In conclusion, it is Al Hayat's belief that the NIS, as a reform plan, would have benefitted greatly from including a gender perspective. This would have facilitated the process of implementation as well as improve the actual outcome of the plan. As the plan has already been formulated the research team urges the implementing actors, by their voluntary interest, to take into account gender issues and mainstreaming best practices during implementation. This can be realized in a number of ways, but the framework offered by the European Commission offers four basic steps recommended to be used to organize said mainstreaming efforts:¹⁵

¹⁵ European Commission (2008).

1. **Getting organized** – Planning out a strategy for gender mainstreaming and assigning responsibilities and resources
2. **Learning about gender differences** – Learning about gendered issues in the relevant policy realm, including gathering information on women’s roles in the society, their resources, gendered norms and values, and women’s rights
3. **Assessing the policy impact** – Quantitatively and/or qualitatively assessing how the policy may affect both men and women from different social groups
4. **Redesigning policy** – Making changes, big or small, that may improve the effects of the policy on both men and women

Additionally, for future plans the research team urges the Jordanian Government to bear in mind the importance of women participation in the social and political realms of life and to consider following the above listed steps to ensure future improvement of the gender situation. Through involvement of women in consultations prior to formulating the plan, gender sensitivity would be enhanced in the actual formation of the plan, and in the implementation phase. In doing so, Jordan, aside from acknowledging the importance of gender mainstreaming, would adhere more closely to those agreements it has signed and ratified, and strategies it has previously committed itself to. On a larger scale, this would enhance the government’s accountability, both internally and for external donors and partners, and assist in augmenting the overall character of political and democratic reform.

Commitment Analyses

Commitments 1.1.1, 1.1.2, 1.1.3; The Audit Bureau

Commitment Title:	Amending the Audit Bureau Law	Number:	1.1.1
Implementing Actor: <i>(as in NIS)</i>	Audit Bureau, Legislation and Opinion Bureau	Timeline: <i>(as in NIS)</i>	First quarter 2014 – fourth quarter 2014
Full text: <i>(as in NIS)</i>	<p>Amending the Audit Bureau Law to include provisions that ensure the following:</p> <ul style="list-style-type: none"> - The mandate of the Bureau should exceed the verification of the validity of procedures from a legal viewpoint to include administrative oversight. - The Bureau's oversight mandate should include public shareholding companies where the government owns at least 25% of shares, and companies where the Social Security Corporation owns shares, in addition to professional associations, labour unions, political parties, societies and voluntary bodies. - Introducing international auditing standards to the work of the Bureau as benchmarks. - Making it mandatory for the president of the Bureau to publish annual reports the way he deems appropriate, including digital means and press conferences. - Defining the legal responsibility for failure to cooperate on the part of auditable agencies and lack of commitment to correcting violations. - The Bureau should only be subject to oversight by Parliament to ensure it applies the law with impartiality, professionalism and objectivity. 		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation ~ Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Revisiting and developing the regulatory structure of the Audit Bureau	Number:	1.1.2
Implementing Actor: <i>(as in NIS)</i>	Audit Bureau, Ministry of Public Sector Development	Timeline: <i>(as in NIS)</i>	First quarter 2014 – third quarter 2014
Full text: <i>(as in NIS)</i>	Revisiting and developing the regulatory structure of the Audit Bureau and its administrative organizational system.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Upgrading the human capabilities of the Audit Bureau	Number:	1.1.3
Implementing Actor: <i>(as in NIS)</i>	Audit Bureau, Civil Service Bureau	Timeline: <i>(as in NIS)</i>	First quarter 2014 – fourth quarter 2014
Full text: <i>(as in NIS)</i>	Upgrading the human capabilities of the Bureau through continuous and specialized training with focus on the fields of oversight and auditing and taking the necessary measures to: - Retain cadres with cumulative expertise at the Bureau. - Attract specialized recruits with high qualifications and quality skills.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input checked="" type="checkbox"/> Unclear

Background

The Audit Bureau was established by the 1952 Audit Bureau Law¹ pursuant to Article 119 of the Jordanian Constitution.² The law has since been amended five times, the most recent amendment being passed in 2007.³ The Audit Bureau's legal mandate is for "ensuring that planning, budgeting, and the use of public resources conform to the laws of Jordan and pursue the objectives defined by the Parliament and the Executive Branch."⁴

¹The Hashemite Kingdom of Jordan, Audit Bureau Law [In Arabic], No. 28, 1952. Official Gazette 1105, April 16, 1952.

² The Hashemite Kingdom of Jordan, 2011 Constitution of Jordan, Article 119.

³ The Hashemite Kingdom of Jordan, Amended Audit Bureau Law [In Arabic] No. 18, 2007. Official Gazette 4821, April 16, 2007.

⁴ Leo Sommaripa, the Jordan Fiscal Reform II Project, USAID/Jordan Economic Growth Office, (2012). *Jordan Budget Manual: a Guide to Policy, Process and Analytic Techniques: Jordan Fiscal Reform II Project*, accessed December 5, 2014, <http://goo.gl/mtWHLA>, p. 69.

The amendment passed in 2007 amended a number of articles of the original law related to some of the provisions of this commitment. For example, Article 3e of the amended law states that the Audit Bureau is responsible for “verification of administrative decisions and mechanisms in parties subject to monitoring by the Audit Bureau, in accordance with applicable legislation.” This relates to the first point of the commitment regarding the mandate of the bureau to include administrative oversight.

Article 4d of the amended law states that the Bureau’s monitoring includes that of “companies in which the government owns 25% or more of its shares.” Article 4c merely states that the Audit Bureau’s mandate extends to “any party the Cabinet deems the Audit Bureau should audit if the finances of this party are public or collected in accordance with the provisions of this law.” While this could be interpreted to include the professional associations, labor unions, political parties, societies and voluntary bodies’ the commitment mentions, the text of the Law could be enhanced further to clarify the incorporation of these specific bodies.

Another amendment was decided on by the Cabinet on January 25th 2013,⁵ but it is currently awaiting review with the Legislation and Opinion Bureau, and is therefore not yet accessible to the public.⁶

In terms of 1.1.2 and 1.1.3, the administrative system of the Audit Bureau is not described in detail in the Audit Bureau Law; Articles 5 of the law stipulate that the Bureau should be led by a president and a Secretary General, and that the president should be able to appoint “advisors and experts” to assist in the work of the Bureau.⁷ As the organization is currently structured, the Audit Bureau contains 14 directorates under the supervision of the Secretary General and seven different units under the direct supervision of the president. These seven units deal with issues such as quality assurance, planning, and strategic support, while the 14 directorates are directly involved in auditing and monitoring operations.⁸

The Audit Bureau has reportedly undertaken some efforts in administrative reform, including collaborating with the European Commission (EC) from 2006-2010 on efforts to boost the Bureau’s administrative and operational capacities through the first Twinning project with British and German audit offices. In 2013 the Audit

⁵ Amer Bani Amer and Mai Eliemat, Al Hayat Center for Civil Society Development (2013). *Independent Reporting Mechanism (IRM) Progress Report 2012-2013: Jordan*, accessed October 30, 2014, <http://www.opengovpartnership.org/country/jordan/progress-report/progress-report>, p. 40.

⁶ Osama Al Azzam, Financial Deputy to the Director General, Ministry of Finance. Personal Interview, December 30, 2014.

⁷ The Hashemite Kingdom of Jordan, Amended Audit Bureau Law [In Arabic] No. 18, 2007. Gazette 4821, April 16, 2007, Articles 5-7.

⁸ The Hashemite Kingdom of Jordan, Audit Bureau. *Structure of the Audit Bureau*. Accessed February 1, 2015, <http://www.audit-bureau.gov.jo/images/structure.png>. (At time of publication this page was no longer available.)

Bureau continued its collaboration with the EC through the second Twinning project to bolster its capacity and strengthen its administration with a grant of 1.2 million Euro from the EUD, and in cooperation with the audit institutions of Spain, the Netherlands, and Estonia. The project will continue until May 2015, the section on the implementation of the commitments has more details on this project.⁹

Implementation of Commitment

The commitment appears to address a number of reforms that were enacted as part of the 2007 amendment (i.e. first two points); therefore, it is unclear why these items were included in the commitment.

However, we note that according to the current law, the control of the Audit Bureau extends to companies in which the government owns 50% of its shares or more of its shares, whereas the commitment addresses the Audit Bureau's monitoring of companies in which the government owns no less than 25% of its shares. This change denotes important progress in ensuring the preservation of the state's resources and investments. As for giving authority to the President of the Bureau to publish annual reports as he sees fit, including through electronic means and press conferences, there are no provisions in the law limiting this. The Audit Bureau published its annual report on its website since 2010, including the report for 2014.¹⁰

In the introduction to the last report, the President of the Bureau elaborates on the most prominent activities and projects the Bureau is implementing with local and international partners to develop the Bureau's work. The introduction also mentions the draft law to amend the current Audit Bureau Law, which was submitted to the government and include substantial amendments in accordance with the amended Constitution of 2011 and international standards and best practices relevant to such bodies.¹¹

Additionally, it is worth noting that the 2011 Constitutional amendments to Article 119 may necessitate referral of the annual report to the Senate and not merely the House of Representatives,¹² as was stated prior. This may necessitate an amendment to Article 22 of the Audit Bureau Law which currently prescribes, "the President of the Audit Bureau is to send the annual report on the private account for each financial year with simplified observations to the House of Representatives, and sends copies thereof to the Prime Minister and Minister of Finance."¹³ The

⁹The Hashemite Kingdom of Jordan, Audit Bureau. *Annual Report 2014* [In Arabic]. Accessed March 20, 2015, http://www.audit-bureau.gov.jo/images/annual_report_2014/rep1.pdf.

¹⁰ The Hashemite Kingdom of Jordan, Audit Bureau. *Annual Reports* [In Arabic]. Accessed March 20, 2015, http://www.audit-bureau.gov.jo/index.php?option=com_content&view=article&id=199&Itemid=12.

¹¹ The Hashemite Kingdom of Jordan, Audit Bureau. *Annual Report 2014* [In Arabic].

¹² The Hashemite Kingdom of Jordan, 2011 Jordanian Constitution, Article 119.

¹³ The Hashemite Kingdom of Jordan, Audit Bureau Law, Article 22.

Bureau adhered to these amendments and delivered a copy of their 2014 report to the House of Representatives, the Senate, and Prime Minister.¹⁴

As for the remaining sub-sections of the commitment, such as “defining the legal responsibility for failure to cooperate on the part of auditable agencies and lack of commitment to correcting violations” – it is not clear what steps are envisioned to be taken by the Bureau to apply this, given that the proposed amendments are not available to the public and no mention hereof is made therein.

In general, it can be stated that the commitment has not been completed seeing as the amendments have not been installed in 2014 as the timeframe states, and it is not possible to determine what *has* been accomplished as the text has not been published. The Audit Bureau did not respond to the research team’s inquiries about these issues.

As for 1.1.2 and 3, as mentioned above, in 2014 the Audit Bureau continued its collaboration with the EC on the second Twinning project. Spanning from 2013-2015, the project addresses comprehensive reforms in four main areas:

1. Improving the quality of the Bureau’s audits
2. Improving the Bureau’s strategies for fighting fraud and corruption
3. Improving the Bureau’s IT systems for administration and auditing
4. Improving the Bureau’s capacities for performance and environmental audits¹⁵

Project implementation involved a number of staff trainings, workshops, consultations, pilot audits, and the preparation of manuals and methodologies to support the bureau’s long-term growth.

According the current Resident Twinning Advisor (RTA), there is minimal reporting on the first Twinning project, and no quantifiable data is available, in addition to a lack of an efficient hand-over from the previous to the current Audit Bureau Twinning Project. In relation to the commitment, the current project does not focus on restructuring the regulatory system or developing better administrative organization of the HR system. The RTA commented that it is easier to implement a project than it is to maintain one, noting that the pitfall of these types of initiatives is that the current system in place and employees do not have the capacity to continue because they have not internalized the principals and concepts, ensuring that these initiatives have a solid plan for sustainability. The RTA’s recommendation is that

¹⁴ Petra News (April 28, 2015). *Prime Minister receives the 2014 report of the Audit Bureau* [In Arabic]. Accessed April 30, 2015, http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=1&site_id=1&NewsID=193506&Type=P.

¹⁵ The Twinning Audit Bureau Jordan Project. *FAQ's*. Accessed December 29, 2015, <http://www.twinning-abjordan.eu/OneFaq.aspx?Id=3>.

Jordan needs to focus more on sustainability and training to be able to maintain its current position and improve functions of the Audit Bureau.¹⁶

The Audit Bureau did not respond to the research team's repeated requests for information about this issue, thus no further information about other efforts to implement this commitment could be assessed.

Best Practices and Recommendations

The reforms expressed in the commitment represent a positive set of reforms that could greatly benefit the work of the Audit Bureau and work to increase transparency and accountability in the public, private, and civil society sectors. Expanding the mandate of the Audit Bureau beyond financial oversight to include administrative oversight can be a positive step, but international experiences suggest that this change in the Bureau's role should be carefully managed so as to ensure that it would not unduly infringe on the independence of the bodies under its purview. The same principle holds for the Audit Bureau's oversight over professional associations, unions, parties, societies, and voluntary bodies; control to reduce corruption is helpful and necessary, but there should be careful limits placed on the Audit Bureau's authority so that it does not overstep its boundaries and infringe on the rights of those groups.

The research team's consultations with representatives of civil society organizations revealed that the authority of the Audit Bureau was an issue of serious concern to them, as there are serious fears that audits can be used in a discretionary way to target specific CSOs for political reasons. To protect the independence of CSOs and other non-governmental bodies, it would be wise to edit the laws and regulations surrounding the Audit Bureau to put in place strict guidelines for ordering audits and conducting them.¹⁷

It is important to remember that the Audit Bureau and Civil Society do not need to have an acrimonious relationship; instead, they both have complementary roles to play in supporting public accountability. The UN Convention against Corruption (UNCAC) calls for government anti-corruption policies to "promote the participation of society."¹⁸ Civil Society actors are often in a good position to help the government identify cases of corruption, and they can also serve on the front lines of efforts to prevent corruption from taking place. Therefore, robust cooperation with civil society can strengthen the work of an auditing institution like the Audit Bureau. A

¹⁶ Alejandro Brocato Cardoso, Resident Twinning Adviser. Personal interview, January 21, 2015.

¹⁷ Media and Civil Society Stakeholder Meeting with the research team Amman, March 23, 2015.

¹⁸ United Nations, (2003). *The United Nations Convention Against Corruption, Treaty Series, vol. 2349, Doc. A/58/422*, accessed January 5, 2015, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-14&chapter=18&lang=en, p. 41, Article 5.

number of resources offer more in-depth guidelines for integrating auditing bodies with public participation.¹⁹

The commitment's promise to introduce "international auditing standards" to the work of the Bureau is a positive step. It would be useful in the future for the Bureau to choose well respected international standards and to inform the public about what those standards are, so they public can help keep the Bureau accountable to them. The International Auditing and Assurance Standards Board and the European Commission have both published detailed guidelines that could be adopted and adapted.²⁰

Regarding 1.1.2 and 3, research conducted by the IMF reveal many common weaknesses of country-level auditing bodies, with "poor work practices, lack of planning and personnel management"²¹ often negatively affecting their work and making it difficult for them to hold government bodies accountable in the name of the public.²² Therefore, efforts like the joint capacity building projects described above can be useful for strengthening the situation of government accountability in Jordan.

As the Audit Bureau continues to strengthen its work in coming years, it is important to note that in many countries, governments are focusing less on auditing compliance with internal requirements and controls and are instead beginning to focus on monitoring the performance of government agencies.²³ For Jordan, moving toward more performance-based systems of auditing could give government officials the opportunity to improve the overall delivery of goods and services in the government.

The commitment to fostering the human resources at the Audit Bureau is a positive step for increasing the overall quality of its work. Some suggested ways audit institutions can strengthen their staff capabilities include:

¹⁹ Department of Economic and Social Affairs, Division for Public Administration and Development Management, United Nations (2007). *Auditing for Social Change: A Strategy for Citizen Engagement in Public Sector Accountability*, accessed December 28, 2015, <http://goo.gl/13BKmU>; and Albert van Zyl, Vivek Ramkumar and Paolo de Renzio, U4 Anti-Corruption Resource Center (2009). *The Challenges of Supreme Audit Institutions: Can Legislatures and Civil Society Help?* 1, accessed December 28, 2015, <http://goo.gl/Larp1T>.

²⁰ International Auditing and Assurance Standards Board, International Federation of Accountants (IFAC) (2014). *The Clarified Standards*, accessed December 29, 2015, <http://www2.ifac.org/auditing-assurance/clarity-center/clarified-standards>. and: The European Commission, *Auditing*. Accessed November 11, 2014, http://ec.europa.eu/finance/auditing/index_en.htm.

²¹ Jack Diamond, International Monetary Fund (2002). *The Role of Internal Auditing in Government Management: An International Perspective*, WP/02/94, accessed January 4, 2015, <http://www.imf.org/external/pubs/ft/wp/2002/wp0294.pdf>, p. 8.

²² Ibid.

²³ Ibid, p. 8

1. Regular performance appraisal: Setting tangible goals for staff members, findings ways to monitor their performance according to objective scales, and most importantly, providing them the support they need to succeed. The careful use of self-evaluation and peer-evaluation can be helpful in this regard.
2. High quality training for staff: Ensuring that the staff of the bureau are well qualified to do the work they are assigned. This can involve conducting careful analyses of the training needs of staff, establishing specific training policies for staff, using diverse types of training methods, and evaluating the trainings to make sure they were useful.
3. Working to ensure staff satisfaction: Ensuring that staff are engaged, treated well, rewarded well (monetary and non-monetary rewards), and inhabit a positive work environment. Staff retention (mentioned in the commitment) depends a great deal on the satisfaction that staff feels during their everyday work. Regular surveys and opportunities for feedback can help administrators in maintaining a worker-friendly environment.²⁴

²⁴ European Organization of Supreme Audit Institutions (November 2010). *Achieving Audit Quality: Good Practices in Managing Quality within SAIs*, accessed January 3, 2015, <http://www.asz.hu/publications/2010-11-04/achieving-audit-quality-good-practices-in-managing-quality-within-sais/t337.pdf>.

Commitments 1.1.5, 1.1.6; Oversight Agencies - Audit Bureau, Anti-Corruption Commission, and Ombudsman Bureau

Commitment Title:	Developing legislative frameworks that ensure coordination between the three oversight agencies	Number:	1.1.5
Implementing Actor:	Audit Bureau, Anti-Corruption Commission, Ombudsman Bureau	Timeline:	First quarter 2014 – third quarter 2014
Full text:	Developing legislative frameworks that ensure coordination between the three oversight agencies (Audit Bureau, Anti-Corruption Commission, and Ombudsman Bureau), integration, rather than duplication, of authorities and constant exchange of all types of reports and taking the necessary, and integrated, action on them.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Building a unified database for the three oversight agencies	Number:	1.1.6
Implementing Actor:	Audit Bureau, Anti-Corruption Commission, Ombudsman Bureau	Timeline:	First quarter 2014 – third quarter 2014
Full text:	Building a unified database to which the three agencies have access and can build on it in a way that ensures no duplication of related efforts.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

As described in more depth in Section 1.1.1. on the Audit Bureau Law, the Audit Bureau was established by the 1952 Audit Bureau Law¹ and amended five times, the most recent amendment being passed in 2007, with another amendment affecting the Audit Bureau, but not yet reflected in its legislation, being made to Article 119 of the Jordanian Constitution in 2011.² The Audit Bureau legal mandate is for “ensuring that planning, budgeting, and the use of public resources conform to the laws of Jordan and pursue the objectives defined by the Parliament and the Executive Branch.”³ For more on the background of the Audit Bureau, see the section 1.1.1.

The Jordanian Anti-Corruption Commission (JACC) was created by the Anti-Corruption Commission Law in 2006,⁴ and is responsible for coordinating and establishing policies to prevent and combat corruption in the public and private sectors.

The Ombudsman Bureau was created by the Ombudsman Law No. 11 for 2008⁵ and the Regulations for Presenting Complaints to the Ombudsman Bureau No. 1 (2009), issued February 1, 2009.⁶ The law charges the Ombudsman Bureau to “Investigate complaints regarding any decisions, recommendations, procedures or actions or omissions thereof of the Public Administration or its employees.”⁷ “The AB, the Anti-Corruption Commission and the Ombudsman agreed a memorandum of understanding in April 2010 aimed to enhance co-operation between these institutions. The institutions agreed to establish a joint committee, to meet quarterly, to overview the achievements of co-operation and assess the level of accomplishment”⁸.

¹ The Hashemite Kingdom of Jordan, Audit Bureau Law [In Arabic], No. 28, 1952. Official Gazette 1105, April 16, 1952.

² The Hashemite Kingdom of Jordan, Audit Bureau Law [In Arabic] No. 18, 2007. Official Gazette 4821, April 16, 2007 (as Amended). Previous amendments were made by Law No. 21 (1959), Law No. 6 (1962), Law No. 47 (1963), Law No. 31 (1087), Law No. 3 (2002).

³ Leo Sommaripa, the Jordan Fiscal Reform II Project, USAID/Jordan Economic Growth Office (2012). *Jordan Budget Manual: a Guide to Policy, Process and Analytic Techniques: Jordan Fiscal Reform II Project*, accessed December 5, 2014, <http://goo.gl/mtWHLA>, p. 69.

⁴ The Hashemite Kingdom of Jordan, Anti-Corruption Commission Law [In Arabic], No. 62, 2006. Official Gazette 4794, November 30, 2006.

⁵ The Hashemite Kingdom of Jordan, Ombudsman Bureau Law, [In Arabic], No. 11, 2008. Official Gazette 4900, April 16, 2008.

⁶ The Hashemite Kingdom of Jordan, The Ombudsman Bureau (2009). *Regulation No. 1*, accessed February 2, 2015, <http://www.ombudsman.org.jo/Pages/viewpage.aspx?pageID=14>.

⁷ The Hashemite Kingdom of Jordan, Ombudsman Bureau Law, Article 12a.

⁸ Twinning Partner Fiche. *Strengthening the Capacities of the Audit Bureau in Jordan*. Accessed January 21, 2015, http://www.esteri.it/mae/gemellaggi/meda/giordania/jo_13_enp_fi_25_%20strengthening_the_capacities_of_the_audit_bureau_of_jordan.pdf, p. 10-11.

Implementation of Commitment

According to research consultation with the Ombudsman Bureau, which was the only one of the three bodies to respond to requests for information, the three bodies currently work according to Memorandums of Understanding (MOU's) that define respective responsibilities, competencies, and modes of working together in order to promote coordination and to reduce redundancy in their efforts. As these MOU's are not public documents, the research team could not consult them or evaluate the ways these promote coordination. However, the Secretary General of the Ombudsman Bureau expressed his belief that the presence of this agreement constitutes fulfillment of this commitment.⁹

In an interview with the Resident Twinning Advisor, he stated to have no current information on the status of this part of the project.¹⁰ Due to the fact that the commitment refers to development of "legislative frameworks", and MoUs cannot be considered as such, the commitment is assessed as not having started yet.

According to the Deputy to the President of the Ombudsman Bureau, the three bodies will be working in the future to create a shared database of information on investigations and other ongoing projects, in order for each body to complement the other's work and to ensure that efforts between the bodies are not redundant.¹¹ More information on this effort is not yet available due to lack of published information, and the commitment is assessed as not having started due to the database still merely representing a future plan. As stated earlier, the Audit Bureau and the Anti-Corruption Commission did not respond to requests for comment by the research team. It is worth mentioning that during a meeting held to discuss the preliminary findings, HE Dr. Rajai Muasher, Chairman of the Royal Evaluation Committee of the plan, said that the committee has submitted a proposal for a new legislative and institutional framework – still being studied, to combine the three entities under one umbrella.¹²

Al Hayat Center urges the three bodies to be more open to citizens and publish information about their mutual efforts to increase public awareness of progress being made and engage their feedback.

Best Practices and Recommendations

Coordinating the work of Jordan's different agencies dedicated to fighting corruption can be a positive step for increasing the quality of their work and reducing the amount of overlap between them, therefore making their efforts more effective over the long run. In addition, clarifying the roles of different bodies can

⁹ Hussein al Adwan, Deputy to the President, The Ombudsman Bureau. Personal Interview, March 18, 2015.

¹⁰ Alejandro Brocato Cardoso, Resident Twinning Adviser. Personal interview. January 21, 2015.

¹¹ Ibid.

¹² Meeting to discuss the report's first draft. Amman, June 1, 2015.

help prevent their competition for resources and influence in the public sphere, which can often happen when roles are not clearly delineated. Experiences of a number of countries in this field have shown that while there are a number of ways to ensure coordination in anti-corruption initiatives, these should all be well designed and delineate clear responsibilities and powers to different actors. In addition, the powers of each actor should be commensurate with its responsibilities, so that no actor has a mandate it is unable to fulfill. Cooperation should be seen as a long term, ongoing process that should be continually adjusted and fine-tuned.¹³

Databases for anti-corruption agencies have proven useful tools for gathering and organizing evidence in other country contexts. In a training brief, Transparency International writes that “pro-active communication and information exchange using information technology”¹⁴ can be extremely helpful for coordination among anti-corruption agencies. In addition to creating databases from scratch, anti-corruption commissions often work to get access to other national databases with financial and personal records in order to facilitate gathering. The national anti-corruption body of Latvia created a special database to hold its own information and to integrate information from state registries of income, land, enterprises, and other sources.¹⁵

¹³ The U4 Anti—Corruption Resource Centre (January 2009). *Coordination Mechanisms of Anti-Corruption Institutions*, accessed February 3, 2015, <http://www.u4.no/publications/coordination-mechanisms-of-anti-corruption-institutions/>.

¹⁴ Ibid.

¹⁵ European Partners against Corruption Anti-Corruption Working Group (May 2008). *Common Standards and Best Practices for Anti-Corruption Agencies*, accessed February 3, 2015, http://www.knab.gov.lv/uploads/eng/epac_common_standarts.pdf, p. 19.

Commitment 1.2.1; Amending the Anti-Corruption Commission Law

Commitment Title:	Amending the Anti-Corruption Commission Law	Number:	1.2.1
Implementing Actor: <i>(as in NIS)</i>	ACC, Legislation and Opinion Bureau	Timeline: <i>(as in NIS)</i>	First quarter 2014- fourth quarter 2014
Full text: <i>(as in NIS)</i>	Amending the ACC Law to include provisions that ensure the following: - More focus on the preventive side to deter corruption crimes, educate public on their hazards and avoid duplication with the role of the Judiciary. - Criminalising acts and behaviours that are considered acts of corruption and have not been considered as crimes under the criminal codes in effect		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

In 2005, Jordan ratified the United Nations Convention Against Corruption (UNCAC), which requires signatories to establish legal frameworks governing the prevention and criminalization of corruption. It also requires signatories to commit to international cooperation in the fight against corruption and agree on effective asset recovery measures¹.

In accordance with its commitments in the Convention, Jordan enacted the Anti-Corruption Commission Law in 2006, which provided for the establishment of the Jordanian Anti-Corruption Commission.² The JACC is tasked with coordinating and establishing a comprehensive policy dedicated to the prevention and combating of corruption in the public and private sectors. In 2012, the law was amended to include provisions for improved protection of witnesses and whistleblowers in corruption cases.³ The 2012 amendment also granted the JACC the authority to ask

¹ United Nations (2003). *The United Nations Convention Against Corruption*, accessed January 5, 2015, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-14&chapter=18&lang=en.

² The Hashemite Kingdom of Jordan, Anti-Corruption Commission Law [In Arabic] No. 62, 2006. Official Gazette 794, November 30, 2006.

³ The Hashemite Kingdom of Jordan, Amendment to the Anti-Corruption Commission Law [In Arabic] No. 10, 2012. Official Gazette 5151, April 3, 2012.

for the annulment or rescinding of any contract, agreement, or privilege obtained as a result of corruption offences. According to the law, the objectives of the JACC were defined as follows:

- a) “To draw up, implement and propose effective policies in coordination with concerned authorities regarding combat and prevention of corruption.
- b) To detect all forms of corruption, including financial and administrative corruption, in addition to nepotism and favouritism, if constitute [sic] infringement of the rights of others and of public funds
- c) To ensure the principles of equality, equal opportunities and fairness.
- d) To combat character assassination.
- e) To cooperate in providing and requesting international legal assistance through the official channels, if the applicable conditions for such assistance are fulfilled.”⁴

In 2011, Jordan participated in the UNCAC review mechanism, leading to an independent report on the Jordanian government’s efforts to fight corruption in compliance with its commitments to the UNCAC, with a focus on criminalization, law enforcement, and international cooperation. According to the executive summary of the report released by UNCAC, the creation of the ACC and the accompanying anti-corruption strategy are positive steps forward for fighting corruption in Jordan in line with commitments made to the UNCAC. The study found that Jordan has made significant progress in implementing laws in accordance with the UNCAC; however, there are still areas in which improvement was needed. One such area was the protection of witnesses, experts and informants. According to the UNCAC, despite the existence of an administrative procedure to protect whistle-blowers, there remained a need for enacting special legislation on the protection of witnesses, experts and informants. The report also found that the successful functioning of the JACC was hindered by “weak inter-agency coordination; limited capacity in terms of human resources and institutional infrastructure... and limited financial resources for implementation.” Problems such as this, it recommended, could be remedied by increased technical assistance in areas such as legislative drafting, joint investigations and general capacity-building.⁵

Implementation

In 2014 the Anti-Corruption Commission law was amended,⁶ meeting a number of the key concerns of the UNCAC review in 2011, and at the same time including a number of key provisions strengthening the JACC. The new law added three new crimes deemed corruption, including: (1) money laundering, (2) illicit enrichment,

⁴ The Hashemite Kingdom of Jordan, Anti-Corruption Commission Law 2012, Article 4.

⁵ United Nations Convention Against Corruption (October, 2011). *Implementation Review Group: Executive Summary (Jordan)*, accessed February 9, 2015, <http://www.unodc.org/documents/treaties/UNCAC/COSP/session4/V1186371e.pdf>.

⁶ The Hashemite Kingdom of Jordan, Amendment to the Anti-Corruption Commission Law [In Arabic] No. 16, 2014. Official Gazette 5528, April 1, 2014.

and (3) "Undeclaring or undisclosed of investments or properties or benefits that may lead to conflict of interest if laws and regulations require that, of which personal benefits can be directly or indirectly gained for him who refrained from declaring." The 2012 and 2014 amendments also criminalized the failure to report cases of corruption to the JACC. Furthermore, additional provisions were added to help the JACC protect informants and witnesses in corruption cases.⁷ These changes can be considered fulfilment of the second part of the commitment, which calls for addressing certain types of activities not already covered by the law.

2014 also saw the passage of Bylaw No. 62 on Protecting Informers, Witnesses, Informants, and Experts in Corruption Cases and their Relatives and Closely Related Persons.⁸ The bylaw creates a specific unit in the JACC dedicated to protecting informants and whistleblowers; this unit is charged with accepting applications from informants seeking protection and evaluating the risks posed to them. As well as helping maintain informants' anonymity during the investigation of corruption cases, and undertaking any efforts necessary to ensure the informants' legal protection and personal safety.

The work of the JACC is guided by the *Jordanian National Anti-Corruption Strategy Plan (2013-2017)* which "forms a coordination framework for all efforts of institutions and agencies concerned with combating corruption."⁹ In this it aims to boost the principles of good governance, integrity, transparency, and accountability. According to the JACC, this was developed through cooperation with international actors and representatives of Jordan's public institutions, the private sector and the NGOs.¹⁰ Consultation with CSOs working on public accountability and transparency did not reveal any awareness of this strategy.¹¹

Taking into account the achievements, the research team assesses the level of implementation to be substantially, but not fully completed. It is to be noted that the suggested timeframe for implementation has come to an end, thus further work is still needed. Hayat Center recommends wider public participation in the final phases of completion of the commitment, and in particular of those civil society organizations active in this context.

Best Practices and Recommendations

According to the United Nations Office on Drugs and Crime (UNODC), "corruption undermines democratic institutions, slows economic development and contributes

⁷ The Hashemite Kingdom of Jordan, Anti-Corruption Commission Law 2012, Article 8. *and*: The Hashemite Kingdom of Jordan, Amendment to the Anti-Corruption Commission Law 2014, Article 2.

⁸ The Hashemite Kingdom of Jordan, Protecting Informers, Witnesses, Informants, and Experts in Corruption Cases and their relatives and closely related persons Bylaw [In Arabic] No. 62, 2014. Official Gazette 5286, May 15, 2014.

⁹ The Hashemite Kingdom of Jordan, Jordan Anti-Corruption Commission (2013). *National Anti-Corruption Strategy (2013 - 2017)*, accessed February 9, 2015, http://www.ACC.gov.jo/Portals/0/strategy/Strategy_en.pdf.

¹⁰ Ibid.

¹¹ Private Sector Stakeholder meeting with the research team. Amman, March 23, 2015.

to governmental instability.”¹² According to the United Nations Convention Against Corruption (UNCAC), effectively combating corruption requires participation in the framework of international conventions that fight corruption; cooperation and information exchange for investigation into issues of corruption and asset recovery; and clear mechanisms for the investigation and prosecution of crimes of corruption.¹³ Recommendations by Transparency International suggest that anti-corruption commissions should adhere to the following common principles and standards: a broad and clear mandate, neutral appointment of commission heads, ethical conduct and governance, adequate resources and financial independence, collaboration and coordination with state agencies, civil society, the private sector, and public accountability and reporting.¹⁴ Furthermore, research by Transparency International emphasizes the importance of the provision of comprehensive legal protection for whistleblowers.¹⁵ While bylaw No. 62 of 2014 enacted by the GoJ represents a significant step in the right direction for whistleblower protection, the JACC should be sure to demonstrate its commitment to implementing this bylaw and actually protecting whistleblowers in practice.

¹² United Nations Office on Drugs and Crime. *UNODC's Action against Corruption and Economic Crime*. Accessed March 30, 2015, <http://www.unodc.org/unodc/corruption/>.

¹³ Ibid.

¹⁴ Transparency International (2015). *Best Practices for Anti-Corruption Commissions*, accessed February 9, 2015.

http://www.transparency.org/files/content/corruptionqas/Best_practices_for_anti-corruption_commissions_2.pdf.

¹⁵ Transparency International (February 2015). *Recent Trends In Best Practices In Whistleblower Protection Legislation*, accessed February 9, 2015,

https://www.transparency.org/whatwedo/answer/recent_trends_in_best_practices_in_whistleblower_protection_legislation.

Commitment 1.2.7; Reporting to the Anti-Corruption Committee

Commitment Title:	Making it mandatory for agencies to post the phone number of the Anti Corruption Commission	Number:	1.2.7
Implementing Actor: <i>(as in NIS)</i>	Prime Ministry, agencies subject to monitoring by the Audit Bureau and the Ombudsman Bureau	Timeline: <i>(as in NIS)</i>	First quarter 2014- second quarter 2014
Full text:	Making it mandatory for all agencies subject to monitoring by the Audit Bureau and the Ombudsman Bureau to post the phone number of the ACC in their offices and premises and encourage employees and citizens to report suspected acts of corruption in accordance with the provisions of the law.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The three agencies tasked with oversight in Jordan are the Ombudsman Bureau, the Audit Bureau, and the Jordan Anti-Corruption Commission.

Jordan Anti-Corruption Commission

Jordan ratified the 2005 United Nations Convention Against Corruption (UNCAC) in 2005, demonstrating its commitment to international cooperation in the fight against corruption.¹ In accordance with the UNCAC, Jordan enacted the Anti-Corruption Commission Law in 2006,² which provided for the establishment of the Jordan Anti-Corruption Commission (JACC). The JACC is tasked with coordinating and establishing a comprehensive policy dedicated to the prevention and combating corruption in the public and private sectors.³ See Commitment 1.2.1 for further information on the relevant international agreements and laws.

¹ United Nations Office on Drugs and Crime. *Convention against Corruption*. Accessed February 9, 2015. <http://www.unodc.org/unodc/en/treaties/CAC/index.html>.

² The Hashemite Kingdom of Jordan, Anti-Corruption Commission Law [In Arabic] No. 62, 2006. Official Gazette 4794, November 30, 2006.

³ Ibid.

Current work of the JACC is guided by the Jordanian National Anti-Corruption Strategy Plan: 2013-2017, a follow-up of the 2008-2012 strategy,⁴ which “forms a coordination framework for all efforts of institutions and agencies concerned with combating corruption.”⁵ In this it aims to boost the principles of good governance, integrity, transparency, and accountability. It was developed through cooperation with international actors and representatives of Jordan’s public institutions, the private sector and the NGOs.⁶ The objectives of the previous 2008-2012 National Anti-Corruption Strategy were as follows:

1. Strengthening the capacity of the JACC
2. Education, training and public awareness
3. Prevention of corruption
4. Law enforcement
5. Coordinating anti-corruption efforts
6. International cooperation⁷

Among the key findings of the Anti-Corruption Systems Analysis conducted to review the 2008-2012 actions taken under National Anti-Corruption Strategy was “a lack of awareness of the representatives of the public and private sector and NGOs of the concept and procedures for combating corruption which led to ineffective anti-corruption system.”⁸ The review also found a “lack of coordination and cooperation between public and private sector institutions and the NGOs with regards to preventing and fighting corruption and raising awareness on corruption.”⁹

Audit Bureau

According to the Article 4 of the Audit Bureau Law of 1952,¹⁰ which was amended most recently in 2002¹¹ and 2007,¹² the Audit Bureau is responsible for auditing any organization that the Council of Ministers requests, as long as the organizations are using public funding or funds otherwise regulated by law. According to the Audit

⁴ The Hashemite Kingdom of Jordan, Jordan Anti-Corruption Commission. *National Anti-Corruption Strategy 2008-2012*. Accessed February 9, 2015, <http://www.jacc.gov.jo/en-us/aboutcomission/anticorruptionnationalstrategy/nationalstrategyforcommission20082012.aspx/>.

⁵ The Hashemite Kingdom of Jordan, Jordan Anti-Corruption Commission. *National Anti-Corruption Strategy: 2013 – 2017*, accessed February 9, 2015. http://www.jacc.gov.jo/Portals/0/strategy/Strategy_en.pdf.

⁶ Ibid.

⁷ Ibid, p. 24.

⁸ Ibid, p. 26.

⁹ Ibid.

¹⁰ The Hashemite Kingdom of Jordan, Audit Bureau Law [In Arabic] No. 28, 1952. Official Gazette 1105, April 16, 1952.

¹¹ The Hashemite Kingdom of Jordan, Amended Audit Bureau Law [In Arabic] No. 3, 2002. Official Gazette 4533, February 17, 2002.

¹² The Hashemite Kingdom of Jordan, Amended Audit Bureau Law [In Arabic] No. 18, 2007. Official Gazette 4821, April 16, 2007.

Bureau's website, the organization it is empowered to audit extends to syndicates, professional unions, charities and voluntary bodies.

Ombudsman Bureau

The Ombudsman Bureau is a government institution created by the Ombudsman Bureau Law No. 11 for 2008¹³ and the Instructions for Presenting Complaints to the Ombudsman Bureau No. 1, issued February 1, 2009.¹⁴ The bureau is charged with investigating and resolving complaints related to the public administration.

Implementation of Commitment

Implementation of this commitment was investigated in the field by visiting a sample group of government agencies with public offices in five governorates to observe whether or not the number of the JACC was posted in public view or if there were any written materials encouraging citizens or employees to report acts of corruption. The investigation found mixed results, some of the sample had posted the ACC phone number, some had posted internal complaints handling mechanisms, and some did not have any postings explaining to citizens how to deal with cases of corruption.

A record of the offices visited is shown in the following table:

Governorate, City	Government Office	Presence of ACC Phone Number	Presence of materials urging citizens to report corruption
Irbid (City), Irbid	Shared Services Council	No	No
Irbid (City)	Health Directorate	No	There is a poster sharing a number of an internal complaints hotline
Irbid (City)	Educational Directorate, First District	No	There is a box for citizens to submit paper complaints
Madaba (City), Madaba	Department of Agriculture	No	There is a box for citizens to submit paper complaints
Madaba (City)	Directorate for Social Development	Yes	No
Madaba (City)	Directorate of Awqaf (Religious	No	No

¹³ The Hashemite Kingdom of Jordan, Ombudsman Bureau Law [In Arabic] No. 11, 2008. Official Gazette 4900, April 16, 2008.

¹⁴ The Hashemite Kingdom of Jordan, Ombudsman Bureau. *Instructions for Presenting Complaints to the Ombudsman Bureau No. 1, 2009*. Accessed March 3, 2015, <http://www.ombudsman.org.jo/Pages/viewpage.aspx?pageID=14>.

	endowments)		
Madaba (City)	Mayahuna (The Public Water Utility)	Yes	No
Madaba (City)	Department of Civil Affairs	Yes	No
Madaba (City)	Health Directorate	Yes	No
Mafraq	Tax department	Yes	No
Mafraq	Education Department	Yes	No
Mafraq	Civil Status Department	No	No
Zarqa	Zarqa Public Hospital	No	There is reception for complaints
Zarqa	Education Department	No	There is a box for citizens to submit paper complaints
Amman	Tax Department of North Amman	No	There is a box for citizens to submit paper complaints
Amman	Social Security Department-North Amman	No	There is a box for citizens to submit paper complaints
Amman	Health Department	No	No

Concluding from the field visit results, it appears that the commitment has been implemented on a case-by-case basis, with little standardization across government agencies, even within the same governorate, most of the sample departments may have other ways for complaints, but the publication of JACC phone or contact information is lacking. It is a positive step that some government agencies have followed through on the implementation of this commitment. What is needed now is fuller and more complete compliance, so that citizens in every government office can have greater knowledge of ways to file reports of corruption.

Taking into account the achievements listed above and the timeframe of the commitment, it is assessed to have been completed on a limited basis only.

Best Practices and Recommendations

Best practice research by Transparency International suggests that in order for anti-corruption commissions to function effectively, they must collaborate and coordinate with state agencies, civil society and the private sector to ensure public accountability and reporting. Furthermore, it is important to ensure public support for anti-corruption agencies as a counter-power against potential attacks from the

government. Thus, fostering public support contributes to the sustainability of these agencies.¹⁵

The fight against corruption requires the establishment of an effective functional anti-corruption system that focuses on promoting community involvement in preventing and combating corruption. This makes the involvement of individuals, NGOs and private sector institutions a key component of the decision-making process and development of legislation, strategies, policies standards, and procedures designed to safeguard the integrity of the community.

Actual implementation of the commitment entailing posting of the JACC phone number in government offices can be a positive step enhancing accountability in Jordan in the long term. It should also be coupled with programs designed to educate the public regarding the negative impacts of corruption and reporting procedures. While some programs to this effect have been implemented, it is important that they are expanded in future years to ensure maximum awareness about combating corruption.

¹⁵ Transparency International (January 1, 2013). *Best Practices for Anti-Corruption Commissions*, accessed February 9, 2015.

http://www.transparency.org/files/content/corruptionqas/Best_practices_for_anti-corruption_commissions_2.pdf.

Commitments 1.3.1, 1.3.3; The Ombudsman Bureau

Commitment Title:	Amending the Ombudsman Bureau Law	Number :	1.3.1.
Implementing Actor: <i>(as in NIS)</i>	Ombudsman Bureau, Legislation and Opinion Bureau	Timeline: <i>(as in NIS)</i>	First quarter 2014- fourth quarter 2014
Full text: <i>(as in NIS)</i>	Amending the Ombudsman Bureau Law to include provisions that ensure the following: - The mandate of the Ombudsman Bureau should be expanded to include public shareholding companies where the government owns at least 25% of shares. - Redefining the mandate of the Ombudsman Bureau in a way that enhances its role and vests larger tasks in it. - The president of the Ombudsman Bureau shall submit the Bureau’s annual report to the two Houses of Parliament and the Prime Ministry. - The president of the Ombudsman Bureau should have the power to publish the Bureau’s annual reports and its work the way he deems appropriate, including digital means and press conferences.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Building human resources of the Ombudsman Bureau	Number :	1.3.3.
Implementing Actor: <i>(as in NIS)</i>	Ombudsman Bureau, Civil Service Bureau	Timeline: <i>(as in NIS)</i>	Third quarter 2014- First quarter 2015
Full text: <i>(as in NIS)</i>	Developing human resources of the Ombudsman Bureau through continuous specialized training.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability <input type="checkbox"/> None
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/>

	Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear <input type="checkbox"/>
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Background

The Ombudsman Bureau is a Jordanian government institution created by the Ombudsman Law No. 11 for 2008¹ and the Regulations for Presenting Complaints to the Ombudsman Bureau No. 1 of 2009.²

The Bureau is run by a president and two assistants, who have the authority to hire assistants needed to complete their work.³ A number of different departments and sections within the Bureau currently exist to help it in its work.⁴

The law charges the Ombudsman Bureau to “Investigate complaints regarding any decisions, recommendations, procedures or actions or omissions thereof of the Public Administration or its employees.”⁵ Actions that can be taken to other administrative or judicial reviews or have already had judgments are not eligible. The Ombudsman Bureau is also tasked with responding to complaints about public administration procedures and issuing recommendations to simplify those procedures “in order to enable citizens to benefit from services provided by the Public Administration with efficiency and ease.”⁶ Additional details to these ends are laid out in the 2009 Regulations mentioned above.

Citizens who feel they have been wronged by the public administration may submit complaints to the Bureau. If the Bureau chooses to accept the complaint, believing it to be relevant and in line with the law, it then must forward the complaint to the accused body and gather its response, appealing to the Cabinet if no response is received.⁷ After investigating the situation, the Bureau may send recommendations on resolving the issue to the public administration, and it may also include those recommendations in its annual report. This report is issued each year to the Council of Ministers, and the Cabinet in turn submits the report to the Parliament.⁸

The commitment addresses the following issue areas:

¹ The Hashemite Kingdom of Jordan, Ombudsman Bureau Law [In Arabic], No. 11, 2008. Official Gazette 4900, April 16, 2008.

² The Hashemite Kingdom of Jordan, The Ombudsman Bureau (February 2009). *Regulations for Presenting Complaints to the Ombudsman Bureau, No. 1*, accessed February 14, 2015, <http://www.ombudsman.org.jo/Pages/viewpage.aspx?pageID=14>.

³ The Hashemite Kingdom of Jordan, Ombudsman Bureau Law 2008, Articles 5-7.

⁴ The Hashemite Kingdom of Jordan, The Ombudsman Bureau, *Organization Chart*. Accessed February 14, 2015, <http://www.ombudsman.org.jo/Pages/viewpage.aspx?pageID=9>.

⁵ The Hashemite Kingdom of Jordan, Ombudsman Bureau Law, Article 12a.

⁶ Ibid, Article 12b.

⁷ Ibid, Article 14-15.

⁸ Ibid, Article 18-20.

- *Expanding the scope of the Ombudsman Bureau’s competencies to include public shareholding companies where the government owns at least 25%*

The commitment describes expanding the mandate of the Ombudsman Bureau to include public shareholding companies where the government owns at least 25% of the shares. This would be a change from the current system, where the current law gives the Audit Bureau the responsibility to attempt to resolve disputes between citizens and “the public administration and its employees.”⁹ Article 2 defines Public Administration as “Ministries, official institutions, public departments, public institutions, municipalities, regulatory bodies that are entrusted with the supervision and regulation of public services in accordance with special laws.”¹⁰

- *Expanding the mandate of the Ombudsman Bureau*

The current mandate of the Ombudsman Bureau is laid out in Article 12, described above. It does not appear that the Ombudsman is tasked with any responsibilities other than investigating complaints of citizens about the public administration and issuing recommendations regarding public administration procedures.

- *Submission of the annual report*

The current law specifies that the annual report should be submitted by the president of the bureau to the Cabinet, and that the Prime Minister should submit the report to the upper and lower house of Parliament at the beginning of every ordinary session.¹¹ The commitment calls for changing this provision to make the president of the Bureau responsible for submitting the report directly to the parliament as well as to the Prime Ministry.

- *Power to publish the annual report*

The current law does not say anything about publishing reports publicly. While it does not explicitly give the president the power to publish such reports, it also does not have included provisions *against* this. The Ombudsman Bureau has published its annual reports and their summaries for 2009, 2010, and 2011 on its website, but there do not appear to be reports published since then,¹² according to the Bureau, demonstrating weakness in its administration.¹³

- *Developing the Bureau’s human resources*

In a draft strategic plan prepared with the United States Agency for International Development (USAID) in 2009, it was noted that the Ombudsman

⁹ Ibid, Article 12a.

¹⁰ Ibid, Article 2.

¹¹ Ibid, Article 20.

¹² The Hashemite Kingdom of Jordan, The Ombudsman Bureau. *Yearly Reports*. Accessed February 14, 2015, <http://www.ombudsman.org.jo/Pages/viewpage.aspx?pageID=84>.

¹³ Hussein Al Adwan, Deputy to the President of the Ombudsman Bureau. Personal interview, March 18, 2015.

Bureau “boasts an excellent work environment and good collegial relations amongst JOB staff.” At the same time, it was noted that there was a problem with the “retention of qualified and trained staff that possess technical expertise.”¹⁴ The first pillar of the draft strategic plan involved “developing human resources systems, training staff and developing the Bureau’s organizational structure.”¹⁵ This should be done, according to the plan, by developing a three-year training plan in order to improve the performance of the staff.¹⁶

The Jordanian Ombudsman Bureau is also a member of the International Ombudsman Institute (IOI), one of only two Arab countries (the other being Bahrain) to join the organization. The Ombudsman Bureau has cooperated with the IOI on an ongoing capacity to help build the capacity of the bureau through various workshops and trainings.¹⁷

Implementation of Commitment

Until now, there does not appear to be any action to change the Ombudsman Bureau Law. It does not appear to be on the Parliament’s agenda. However, it is surprising these commitments are present in the National Integrity System stating the specific wish to enhance its capacities through training where in 2014 it was announced that the Ombudsman Bureau would be canceled and replaced by the National Integrity Center (NIC) in a newly prepared draft law. In Article 27 of this draft law, the Ombudsman Bureau Law of 2008 is abolished, with the NIC as its legal and factual successor and the Ombudsman Bureau staff being transferred to the new center.¹⁸

This raises the question about the extent of conformity of the plan’s aspects and compatibility of the government’s application thereof. During the meeting to present the preliminary findings organized by Al Hayat Center, the Chairman of the Royal Committee, Dr. Rajai Muasher talked about establishment of the NIC.¹⁹ Additionally, the Deputy to the President of the Ombudsman Bureau addressed the proposed new framework of the NIC and its replacing the Bureau in an interview held with him. He stated this will lead to change the administrative system of the Bureau, while retaining all employees and

¹⁴ The Hashemite Kingdom of Jordan, The Ombudsman Bureau. *Draft Strategic Plan*, accessed February 15, 2015, http://pdf.usaid.gov/pdf_docs/PA00JDDN.pdf, p. 4.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Hussein Al Adwan, and The International Ombudsman Institute (April 2012). *IOI: Visit to the Jordan Ombudsman Bureau*, accessed February 20, 2015, <http://www.theioi.org/news/ioi-visit-to-the-jordan-ombudsman-bureau>.

¹⁸ Al Sabeel News (December 23, 2014). *Cabinet Decides on Establishing the National Integrity Center (Modernization)* [In Arabic]. Accessed March 15, 2015, <http://goo.gl/ID86j2>.

¹⁹ Meeting to discuss the report’s first draft. Amman, June 1, 2015.

maintaining the same complaints mechanisms currently in place. However, it will expand the Bureau’s mandate and scope of work to include companies partly owned by the government for example.²⁰

The Deputy to the President of the Ombudsman Bureau also reported that during 2014 a continuation of the training program started in 2011 with support from the World Bank continued to build the Bureau’s capacity. This was done by rationalizing and simplifying its procedures, improving the quality of complaints follow-ups, and ensuring that recommendations of the bureau are effective at changing policies within the government.

The project entailed a training needs assessment that was used by the Bureau to form a plan for staff trainings; it also included a number of training programs and capacity building workshops meant to build up the quality of the Bureau’s work.²¹ The program also involved building staff computer skills and preparing the bureau for the implementation of integrated IT and computer systems.²²

In a brief published by the World Bank on the project, the authors recommended that the bureau adopt a communication and outreach strategy to help bolster the bureau’s reputation in Jordan as a resource for citizens.²³ Additionally, the Deputy to the Chairman was noted that most staff have sufficient skills and are holders of law degrees.²⁴

Considering the above and taking into account that the Bureau is implementing trainings and capacity building on an ongoing basis, the commitment is assessed as being completed.

Best Practices and Recommendations

Jordan’s efforts to establish a national level Ombudsman Bureau—one of the first in the MENA region²⁵ is in line with Jordan’s commitments under the UN Convention Against Corruption, which requires signatories “to promote and strengthen measures to prevent and combat corruption more efficiently and effectively” and to “promote integrity, accountability, and proper management of public affairs and public property.”²⁶ Having an Ombudsman Bureau to

²⁰ Hussein Al Adwan, Deputy to the President, The Ombudsman Bureau. Personal Interview, March 18, 2015.

²¹ World Bank (January 2015). *A Jordanian Ombudsman Bureau with Enhanced Capacity, No.137, MENA Knowledge and Learning Quick Note Series*, accessed February 17, 2015, <http://siteresources.worldbank.org/INTMENA/Resources/QN137.pdf>, p. 4.

²² Hussein Al Adwan, personal Interview.

²³ World Bank.

²⁴ Hussein Al Adwan, personal Interview.

²⁵ World Bank, p. 2.

²⁶ United Nations, (2003). *The United Nations Convention Against Corruption*, accessed January 5, 2015, https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-14&chapter=18&lang=en, Article 1.

investigate the complaints of citizens and to encourage smooth functioning of the public administration furthers this goal in Jordan.

Training the staff of the Ombudsman Bureau can have a positive effect on the ability of the Bureau to handle citizen complaints and resolve issues quickly and with speed and integrity. As in any sector, efforts to build human capacity of the Ombudsman staff should focus on building up their skills in a holistic way with a focus on the long term. Experience in Ombudsman work has shown that staff should be continually trained on a number of different issues. Staff should be well-trained in the specific procedures and modalities of the bureau so that they can carry out the bureau's work. At the same time, they should be trained on the larger issues related to public administration and citizen complaints; being aware of main areas in which citizens complain about the administration, other government efforts to correct administrative issues, as well as best practices in fairness and impartiality. Overall, an Ombudsman Bureau will be the most effective in its work if it acknowledges a constant need for training and sets aside sufficient resources to conduct trainings on an ongoing basis.²⁷

Jordan can also learn from the experiences of other Ombudsman offices, many of which have experimented with innovative ways of supporting accountability in the public sphere. For example, Serbia's ombudsman office, called the Protector of Citizens, submits annual reports to the country's legislative assembly, but also takes extra steps to publish special and thematic reports. These include reports on the situation of domestic violence against women in Serbia, the situation in social care institutions accommodating elderly persons, the situation of human rights, and the social status of marginalized populations in Serbia. The PoC also monitors actions taken by relevant authorities in response to its recommendations.²⁸

²⁷ The Commonwealth Ombudsman, Commonwealth of Australia (2009). *Better Practice Guide to Complaint Handling*, accessed February 20, 2015, <http://www.ombudsman.gov.au/docs/better-practice-guides/onlineBetterPracticeGuide.pdf>, p. 18-19.

²⁸ Ibid.

Commitment 2.3; Internal Control Units

Commitment Title:	Adopting a unified structure for internal control units	Number:	2.3
Implementing Actor: <i>(as in NIS)</i>	Ministry of Public Sector Development	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Second Quarter 2014
Full text: <i>(as in NIS)</i>	Adopting a unified organisational structure for internal control units to encompass financial and administrative oversight and define the party to which each unit reports (the minister, president of commission, or the chairperson).		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The Financial Control Bylaw No. 3 of 2011 has been in effect since its publication in the Official Gazette,¹ and an additional legislative document was published on 16th of October of the same year. The latter made amendments based on the organizational structure as prescribed in Article 5 of the Bylaw.²

The only other legislative document to be found on the MoPSD website is the Bylaw for the Development of Governmental Departments and Organizational Structures No. 80 of 2012.³ However, only one provision makes mention of internal control units, namely Article 7A, which states that the organizational structure should “include a unit specialized in internal control and linked to the head of the structural pyramid.” This undermines the quality of the control units, seeing as there is no mention of administrative control in these legislative documents. Even more detrimental is the fact that this bylaw gives the Ministry of Finance and the Minister responsibilities over the control units, which works against the adoption of a unified organizational structure described in this commitment, which would require internal control units to be supervised by the MoPSD.

¹ The Hashemite Kingdom of Jordan, Financial Control Bylaw [in Arabic] No. 3, 2011. Official Gazette 5081, March 1, 2011.

² The Hashemite Kingdom of Jordan, Amendments to the Financial Control Structure of the year 2011 [In Arabic]. Official Gazette 5119, October 16, 2011.

³ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *Bylaw for the Development of Governmental Departments and Organizational Structures No. 80 of 2012*, accessed December 20, 2014, <http://goo.gl/udrAQT>.

The Legislation and Opinion Bureau published the Draft of the Amended Bylaw for Financial Control for the year 2013.⁴ Amendments in the draft relate to the addition of aspects of administrative and technical control, such as in Article 3 of the amendment, whereas the original had been limited to financial control. However, there was no mention of a unified structure, and the MoPSD has not confirmed any efforts being undertaken to initiate this. It is important to note that this commitment was included in Jordan's Second National Action Plan for the Open Government Partnership.⁵

Implementation of Commitment

According to the Ministry of Public Sector Development, "an organizational structure for internal control units has been prepared and adapted, ensuring its functions of financial and administrative control and determining the linkage with the Minister or Speaker of the House." This new "format" of internal control was sent to the Ministry of Finance on May 12th 2014 for inclusion in the appropriate legislative framework.⁶ In an interview in August 2014 with the Minister of Public Sector Development Dr. Khalif al Khawaldeh, he reported that the Ministry is working in cooperation with the relevant authorities on the implementation of the unified organizational structure project. The Minister stated that this unified structure includes financial and administrative control and determines the destination of the link to these units. The interview reports that it was agreed with representatives of the Ministry of Finance to finalize the organizational structure of the internal control units, and recommendations have been sent to the Ministry of Finance to include within the provisions of the Financial Control Bylaw, a determination of the organizational structure of these units.⁷

The Prime Ministry enacting the Amended Financial Control Bylaw No. 11 of 2015 on December 28, 2014⁸, t The new bylaw does point to the administrative and technical and financial role of the internal control units (Article 8.b), as also indicated by the name change from 'Financial control bylaw' to 'Internal control bylaw' as stated in Article 2.

⁴ The Hashemite Kingdom of Jordan, Amending the Financial Control Bylaw [In Arabic] No. 114, 2015. Official Gazette, 5327, February 16, 2015. *Note: this Bylaw was passed on December 28, 2014 and therefore is considered to fall within the scope of the research timeframe.*

⁵ Open Government Partnership. *Jordan, Second Action Plan, 2014-16*. Accessed December 20, 2014, <http://www.opengovpartnership.org/country/jordan/action-plan>.

⁶ Eng. Fayez Al-Nahar, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Workflow Matrix for National Integrity System projects with implementation responsibility at the Ministry of Public Sector Development* [In Arabic]. Email communication (unpublished document), March 15, 2015.

⁷ Al Dustour (August 17, 2014). *Khawaldeh: the Amended Restructuring the Public Sector Law will eliminate and integrate institutions to achieve greater financial savings* [In Arabic]. Accessed December 23, 2014, <http://goo.gl/7teJaz>.

⁸ The Hashemite Kingdom of Jordan, Amended Financial Control Bylaw [in Arabic] No. 11, 2015. Official Gazette 5327, February 16, 2015.

However, the application of this structure is still in process. This is supported by an analysis of various ministerial and departmental websites conducted by the research team, where the organizational structures differ greatly and do not consistently include administrative as well as financial control units. For example, the Ministry of Justice lists them as “Financial and Administrative Divisions,”⁹ the Ministry of Municipal Affairs calls them “units,”¹⁰ the Ministry of Planning and International Cooperation has a “Internal Financial and Administrative Control Unit,”¹¹ while the Ministry of Water and Irrigation has an actual “Internal Control Unit.”¹²

Based on the language of the commitment, which specified the “adaptation not application” of the commitment, and based on the fact that this was achieved during the commitment despite being not fully applied and it’s still in process and report timelines, the research team believes that the level of achievement of this commitment is completed. It’s worth mentioned that according to MoPSD the ministry work to ensure the application of this structure through reviewing of to governmental institutions’ structures, and so far has done almost 37 review during 2014¹³.

Best Practices and Recommendations

This is an important commitment, as the presence of internal control units by itself make departments more accountable for their administrative and financial decisions, and is an internationally accepted method to combat corruption.¹⁴

Guidelines published by the EU for candidate countries’ internal control structures¹⁵ provide a telling definition of the concept of internal control, namely that it “is based on upon a system of management information, financial regulations, administrative procedures and a system of accountability as well as strong formal project

⁹ The Hashemite Kingdom of Jordan, Ministry of Justice. *Organizational Structure of the Ministry of Justice*. Accessed December 20, 2014, <http://www.moj.gov.jo/ministry-of-justice/org-structure/plans>.

¹⁰ The Hashemite Kingdom of Jordan, Ministry of Municipal Affairs. *Organizational Structure of the Ministry*. Accessed December 20, 2014, <http://www.mma.gov.jo/Ministry/MinistryOrg.aspx>.

¹¹ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation. *Organizational Structure*. Accessed December 20, 2014, <http://www.mop.gov.jo/Pages/viewpage.aspx?pageID=5>.

¹² The Hashemite Kingdom of Jordan, Ministry of Water and Irrigation. *Organizational Structure for the Ministry of Water and Irrigation*. Accessed December 20, 2014, <http://www.mwi.gov.jo/sites/ar-jo/DocLib1/organization%20Structure.pdf>.

¹³ Fayrouz Bani Hamdan, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Comments on Hayat Center report on preliminary assessment of NIS* [In Arabic]. Email communication (unpublished document), June 24, 2015.

¹⁴ PIFC Expert Group (November 2004), *Internal Control Systems in Candidate Countries, Volume I*. Accessed December 23, 2014, www.eca.europa.eu/Lists/ECADocuments/.../COOP_PUBLI006_EN.PDF, Annex 4, p. 26.

¹⁵ Ibid.

management.”¹⁶ This definition emphasizes internal control units’ role in administrative oversight, which should therefore be taken into strong consideration in the envisioned new unified organizational structure. The guidelines also emphasize the necessity of unification and setting a framework for guidance,¹⁷ and specifically state the need for governments to have standards in place for internal control, and that employees should be trained in the conduction of their tasks and duties.¹⁸ One criterion put in place by the EU is that there must be “a central harmonization and co-ordination function,”¹⁹ which in Jordan would preferably be located in the Ministry of Finance.

The International Organization of Supreme Audit Institutions (INTOSAI) published *Guidelines for Internal Control Standards in Public Sector*,²⁰ which stresses the need for integration of this unit in the organizational structure of the department/institution that it is part of.²¹ The *Internal Control: Providing a Foundation for Accountability in Government* provides a clear overview of the responsibilities of internal control managers and the units themselves.²²

While in documented best practices there is greater focus on the financial than the administrative role of control units, except for in the INTOSAI document where the importance non-financial aspect of control is also stressed,²³ there is unanimous agreement on the need of internal control needing a risk assessment process. Additionally, the desired central harmonization would be achieved through a unified structure, which would further enhance its adequacy and efficiency, which the EU places great emphasis and importance on.²⁴

This is useful for the Government of Jordan to take into account in the restructuring process of their various internal control units. Another recommendation is to review the legislative framework for these units to ensure it being more inclusive of administrative internal control, following the example of such countries as the Czech Republic,²⁵ Croatia,²⁶ the Netherlands,²⁷ and the Philippines.²⁸ The latter has

¹⁶ Ibid, p. 6.

¹⁷ Ibid, p. 23.

¹⁸ Ibid, p. 24.

¹⁹ Ibid, p. 9.

²⁰ International Organization of Supreme Audit Institutions (INTOSAI) (2004). *Guidelines for Internal Control Standards in Public Sector*. Accessed December 24, 2014, www.issai.org/media/13329/intosai_gov_9100_e.pdf

²¹ Ibid, p. 6-7.

²² INTOSAI (2001). *Internal Control: Providing a Foundation for Accountability in Government, GOV 9120*. Accessed December 24, 2014, www.issai.org/media/13337/intosai_gov_9120_e.pdf, p. 2.

²³ INTOSAI (2004), p. 4.

²⁴ Ibid, p. 19.

²⁵ PIFC Expert Group, Annex 3, p. 14.

²⁶ Ibid, Annex 3, p. 15.

²⁷ Ibid, Annex 4, p. 36.

²⁸ Government of the Philippines (2012). *National Guidelines on Internal Control Systems*, accessed December 24, 2014, <http://www.dbm.gov.ph/wp-content/uploads/2012/03/NGICS-body.pdf>.

published a manual for the conducting of internal control as well,²⁹ which would be a useful guide for the Government of Jordan in the reviewing of their own structures and capacities.

Specifically regarding the responsible party, it is advised that Jordan reconsider making the Ministry of Finance the overseeing actor in the implementation of the commitment and of the internal control units once their structures has been unified and installed. Moreover it is advised to have a more specific and relevant law and/or policy addressing the responsibilities, tasks, and limitations of the units. In the long term, this could help address problems of corruption within line ministries and departments, as it has done for example with the European Commission.³⁰

²⁹ Government of the Philippines (2012). *Philippine Government Internal Audit Manual*, accessed December 24, 2014, <http://www.dbm.gov.ph/wp-content/uploads/2012/03/PGIAM.pdf>.

³⁰ PIFC Expert Group, Annex 4, p. 25.

Commitment 4.1; Result-Oriented Budgeting

Commitment Title:	Preparing budgets on a result-oriented basis	Number:	4.1
Implementing Actor: <i>(as in NIS)</i>	General Budget Department, Ministry of Planning and International Cooperation, Civil Service Bureau	Timeline: <i>(as in NIS)</i>	First quarter 2014 – first quarter 2015
Full text: <i>(as in NIS)</i>	Preparing budgets on a result-oriented basis, so that the projects of ministries, institutions and departments lead to achieve the institutional goals stemming from the national goals and priorities. The estimation and appropriation process, for new capital projects whether mega or medium-size, should be based on documented feasibility studies, a prerequisite that the General Budget Department should set before it approves the appropriation of funds; it should be also linked to performance indicators.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The Law on the Preparation of the Organization of the Budget No. 58 of 2008¹ is the legal foundation of budget preparation, yet only stipulates the preparation process of the draft Public Budget. While this is the most accurate phase and crucial procedure controlling the budget cycle, because the results of this preparation and its effectiveness affect all the subsequent phases of budget preparation, it makes no specific mention of budgets needing to be results-oriented. It does mandate that each ministry, department, and unit prepare a statement on each of the programs handled, its costs, the services it provides, and identifies departments and administrative units responsible for implementation of the programs, as well as the number of employees working in all program targets, taking into account gender and children, according models prepared by the general budget for this purpose circle. There have been no amendments or legislative initiatives known to address this issue and prescribe the necessity to undertake feasibility studies.

Implementation of Commitment

¹ The Hashemite Kingdom of Jordan, Preparation of the Organization of the Budget Law [In Arabic], No. 58, 2008. Official Gazette 4943, December 12, 2008.

Specialized training courses in the preparation of results oriented budgets have been provided on an irregular basis. The Ministry of Finance and the Central Bank provided such occasional intensive courses to train their employees, and increase efficiency.² The sessions were conducted at times under the supervision of the International Monetary Fund, the World Bank, or the International Finance Corporation. These courses serve to increase the preparation capacity and use of key performance indicators in policy development and strategic planning at the government level. However, these workshops have not been advertised at all and were not reported on by the media and serve as an internal course not made available to anyone outside of government institutions.

Currently, budgets are based on annual work plans emerging from the strategies in each ministry, department and governmental unit. While this is in accordance with the MoF's comprehensive economic reform program,³ and an economic 10 year plan has been discussed,⁴ there is no specific evidence that these address the issues of the commitment. Any updates regarding the conducting of feasibility studies and further enhancement of results-oriented budgeting are unknown, while during an interview with Ministry of Planning and International Cooperation, it stated that they have been using the results-based budgeting methodology for several years in their internal budgeting practices and relating to government plans.⁵ However, there is no public record of this, nor is this kind of budgeting mentioned in their online strategic plan.⁶

Government statements indicate that this methodology has been used for several years or that currently capacity building activities for staff activities are being organized for the application of this methodology. This is in contrast with budget documents being published on official government websites. Thus, implementation has been assessed as limited.

Best Practices and Recommendations

According to best practices, results-oriented budgeting, also called results-based budgeting (RBB) refers to the process of “allocate[ing] resources based on the problems and needs the programs address and the results they are expected to

² HE Dr. Ziad Fariz, Governor of the Central Bank of Jordan. Phone interview, February 15, 2015.

³ The Hashemite Kingdom of Jordan, General Budget Department. *Comprehensive reform of public financial management in Jordan 2014-2017* [in Arabic], accessed online February 13, 2015, http://www.mof.gov.jo/Portals/0/Mof_content/short2017arabic%20.pdf

⁴ Petra News Agency (September 10, 2014). *Senate discusses ten-year plan for national economy*. Accessed online February 14, 2015.

http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=2&site_id=1&NewsID=164729

⁵ Ms. Zeina Zeid Toukan, Director of the International Cooperation Department of the Ministry of Planning and International Cooperation. Personal interview, February 2, 2015.

⁶ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation. *Strategic Plan* [in Arabic], Accessed online May 12, 2015. <http://www.mop.gov.jo/Pages/viewpage.aspx?pageID=7>.

achieve.”⁷ Thus, it “seeks to align budget allocations with anticipated results.”⁸ These results of the project implemented is monitored and evaluated in accordance with “objective performance indicators.”⁹

This implies that the details provided in the commitment regarding the General Budget Department’s required prerequisites and feasibility studies acting as a source are inherent to the practice of RBB. This is commendable, as it indicates that the GoJ is attempting to enhance their budgeting processes in accordance with a widely accepted standard and good practice. To ensure this is done, there are a number of aspects which should be taken into account. Namely, “each programmatic level has to be linked to the next one, indicating how the results of the lower level contribute to the attainment of the higher level results thus forming a chain of results. Therefore, each and every element should be designed in a way that makes it not only consistent in itself but also appropriate within the overall structure.”¹⁰

Additionally, in the preparation of the project, problems to be addressed should be analyzed.¹¹ This should be incorporated into the feasibility study the commitment prescribes, and would facilitate the formulation of expected results.¹² In turn, “for each expected result, performance indicators and associated benchmarks need to be identified, specifying exactly what is to be measured along a scale or dimension.”¹³ If the results are assessed in accordance with the above listed steps, it would lead to the “establishment of a link between the results obtained and the budget, hence greater transparency, expected efficiency gains and increased direct responsibility of staff in charge of the programme or project.”¹⁴

In simple terms, the best practices and action envisioned in the commitment are the identification of a ‘problematical’ situation, leading to the need of a project and thereby also justifying this.¹⁵ This is why the feasibility study aspect of the commitment is arguably the most important to adhere to, as it alone ensures the result-oriented nature of the project and thereby also the budget. It is important, however, that the government take into account the effects and consequences on

⁷ United States Agency for International Development (USAID) (January 2012). *Jordan Budget Manual*, accessed February 9, 2015. <http://www.frp2.org/english/Portals/0/PDFs/Jordan%20Budget%20Manual%20English%2027%20Feb%202012%20-.pdf>, p. 24.

⁸ Council of Europe (2012). *Seminar on Results-Based Budgeting: Objectives, Expected Results and Performance Indicators*, accessed February 9, 2015. [http://www.focusintl.com/RBM062-RBB\(2012\)4_en.pdf](http://www.focusintl.com/RBM062-RBB(2012)4_en.pdf), p. 1.

⁹ Ibid.

¹⁰ UNESCO (2011). *Results-Based Programming, Management and Monitoring (RBM) approach as applied at UNESCO*, accessed February 9, 2015. <http://unesdoc.unesco.org/images/0017/001775/177568e.pdf>, p. 12.

¹¹ Ibid, p. 15.

¹² Ibid.

¹³ Ibid.

¹⁴ Council of Europe, p. 4.

¹⁵ Ibid, p. 5.

women during this study to ensure that the budget is formulated in a gender sensitive manner.

Regarding the achievement of institutional goals stemming from national goals and priorities, there is no way of identifying whether adherence to best practices would ensure this as there is no clear denotation of what these goals and priorities are. Nonetheless, following the above steps in project appropriation would ensure that the implementation will have desirable outcomes and results, regardless of the pre-set goals. Overall, this would lead to having budget for more projects without increasing the actual budget, so-called “fiscal space” creation.¹⁶

¹⁶ USAID, p. 26.

Commitment 4.2; Government Spending

Commitment Title:	Periodical revision of government spending	Number:	4.2
Implementing Actor: <i>(as in NIS)</i>	General Budget Department, Ministry of Planning and International Cooperation, Civil Service Bureau	Timeline: <i>(as in NIS)</i>	First quarter 2014 – first quarter 2015
Full text: <i>(as in NIS)</i>	Periodical revision of government spending, including loans and grants, to compare progress vis-à-vis spending and the degree to which it reflected on goal achievement, to benefit from that when subsequent budgets are drafted.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The government approved the instructions of the Financial Control Standards for the year 2011¹ issued according to the provisions of Article 7 of the Financial Control Bylaw no. 3, 2011.² Article 7 states that the financial control standards are defined according to the instructions issued by the Council of Ministers upon the recommendation of the Central Committee of the financial control standards. The bylaw enables the government to provide an adequate and efficient regulatory system enabling them to address the weaknesses and imbalances in the regulatory system in the control of public money currently in place. Thereby it preserves public funds from manipulation, fraud, embezzlement, or in another way being taken advantage of and optimizes the use of available public assets and resources. Additionally, it prescribes the necessity of all public sector institutions having a Financial Control Unit in place in Article 4.

Additionally, the government is constitutionally obligated to provide a final accounts statement report; with the 2011 amendment of Article 112 in the Constitution stipulating that “The Government shall submit the final accounts by the end of six months from the end of the previous fiscal year.”³ This review of government spending is under management of the Prime Minister and under the

¹ The Hashemite Kingdom of Jordan, Prime Ministry. *Instructions of the Financial Control Standards for the year 2011* [In Arabic]. Accessed February 13, 2015, <http://www.pm.gov.jo/DWWebClient/Login.aspx?DWSubSession=3388&v=1891>.

² The Hashemite Kingdom of Jordan, Financial Control Bylaw [In Arabic] No.3, 2011. Official Gazette 5081, March 1, 2011, Article 7.

³ The Hashemite Kingdom of Jordan, 2011 Jordanian Constitution, Article 112.

supervision of the Ministry of Finance, but applies to all the government institutions, as stipulated in the 2014-2017 Comprehensive Reform Plan of Public Financial Management in Jordan prepared by the Ministry of Finance.⁴

Implementation of Commitment

The Government has pledged to the IMF as well as to international donor institutions that it will adjust spending of public funds in the nation,⁵ in addition to government directives and adjusting spending policy pursued by the State Administration⁶ in the form of the Economic Reform Program (ERP) agreed on with the IMF. An initial analysis of the report on the ERP shows a group of government pledges applying a strict austerity program for years 2013-2017.⁷ It does not explicitly mention measures to ensure revision of government spending, however.

According to Prime Minister Nsour, the government has implemented a number of successful economic reform initiatives.⁸ He was not reported to have spoken on revision of government spending in this capacity, however. Nonetheless, the Budget Law and the House of Representatives' Financial Committee reports confirm the importance of expense control and continuous governmental review of spending.⁹ By reviewing the recent budget speeches given by the Ministry of Finance at the end of every year, research found that they only make mention of adjustment and tightening governmental spending control.¹⁰ So far, there has not been reference to specific instruments for achieving this. However, it must be noted that the spending report for 2013 was published and sent to parliament in June 2014, meaning on time as per Article 112 of the Constitution referenced above.¹¹ However, it has not been discussed.¹²

In an interview conducted with the Ministry of Planning and International Cooperation, however, it was explained that a mechanism of periodic review is in

⁴ The Hashemite Kingdom of Jordan, Ministry of Finance (2014). *Comprehensive Reform Plan of Public Financial Management in Jordan* [In Arabic], accessed online February 14, 2015, http://mof.gov.jo/Portals/0/Mof_content/short2017arabic%20.pdf.

⁵ International Monetary Fund (IMF) (October 29, 2013). *Letter of Intent addressed to Ms. Christine Lagarde, Managing Director of the IMF*, accessed February 13, 2015. <http://www.imf.org/external/np/loi/2013/jor/102913.pdf/>

⁶ The Hashemite Kingdom of Jordan, Ministry of Finance. *National Economic Reform Program* [In Arabic]. Accessed online February 13, 2015, <http://goo.gl/9nhxhQ>.

⁷ Ibid.

⁸ Al Dustour (November 1, 2014). *Al Nsour: Comprehensive reform program, which was carried out by Jordan has achieved notable successes* [In Arabic]. Accessed online February 13, 2015. <http://goo.gl/7E2rR7>.

⁹ The Hashemite Kingdom of Jordan, Ministry of Finance. *General Budget Speeches Archive*. Accessed February 13, 2015. <http://goo.gl/XnYMJf>.

¹⁰ Ibid.

¹¹ The Hashemite Kingdom of Jordan, Ministry of Finance. *Final Accounts Statement for Governmental Units for the 2013 Financial Year* [In Arabic]. Accessed May 11, 2015. <http://goo.gl/cxU788>.

¹² Eyad Abu Zeid, Secretary of the Parliamentary Financial Committee. Phone interview, May 23, 2015.

place for projects funded by grants and loans, which is one of the donor requirements as well. This means expenditure is determined within a specific scheme and linked to the project's work plan. The MoPIC representative interviewed indicated that they apply a level of openness to new mechanisms for monitoring and evaluation, and have not changed or initiated any of new relevant mechanisms vehicles during the year 2014.¹³

This topic is explained more extensively as clarified by MoPIC in the assessment of commitment 12.2. The above information suggests efforts have been made to complete this commitment, however they are efforts made previously and are not in accordance with the suggested time frame. Additionally, there is lack of publication thereof, leading to the research team's assessment of the commitment having been implemented on a limited level.

Best Practices and Recommendations

Revision of government spending in the case of this commitment indirectly refers to the monitoring and evaluation of such spending and general auditing of the budget due to the fact that the commitment specifically names the inclusion of loans and grants. According to best practices, budgets should be monitored both during the project execution as well as upon conclusion of the fiscal year.¹⁴ The OECD stipulates this more clearly, stating that there are to be monthly reports, mid-year reports, and year-end reports.¹⁵ Specifically, monthly reports would show progress in the implementation of the budget,¹⁶ with the mid-year report providing a more comprehensive review thereof.¹⁷

The OECD further prescribes that "performance targets, should be presented for expenditure programmes where practicable."¹⁸ Thus they advise the inclusion of goals, in addition to providing comparative financial and non-financial data.¹⁹ This would enable the implementing actor to assess goal achievement. As the United Nations Evaluation Group (UNEG) states, "the purpose and context" should be stated²⁰ in the monitoring of a project. Including this would ensure that goal

¹³ Ms. Zeina Zeid Toukan, Director of International Cooperation Department at the Ministry of Planning and International Cooperation. Personal interview, February 2, 2015.

¹⁴ United States Agency for International Development (USAID) (2012). *Jordan Budget Manual*, accessed February 9, 2015, <http://goo.gl/ogZcf1>, p. 9-10.

¹⁵ Organisation for Economic Co-operation and Development (OECD) (2002). *OECD Best Practices for Budget Transparency*. Accessed online January 28, 2015. <http://goo.gl/YRz2nU>, p. 9-10.

¹⁶ Ibid, p. 9.

¹⁷ Ibid, p. 10.

¹⁸ Ibid, p. 8.

¹⁹ Ibid.

²⁰ United Nations Evaluation Group (UNEG) (2005). *Standards for Evaluation in the UN System*. Accessed online January 29, 2015. <http://www.uneval.org/document/detail/22>, p. 12.

achievement in relation to spending can be assessed, and the UNDP identifies this purpose to ensure that results are achieved.²¹

In general, best practices related to finance highlight the importance of transparency in all aspects of financial accountability, advocated for by institutions and organizations such as UNEG,²² UNDP,²³ the International Federation of Accountants (IFAC),²⁴ the International Public Sector Accounting Standards,²⁵ and the International Monetary Fund (IMF).²⁶ It is advised that the government take this into account and consider the positive effects of being transparent in the outcomes of the envisioned periodical revision, as well as stakeholder and citizen involvement in the assessment.

Regarding the benefits for future drafting of budgets, this approach would be facilitated if the budget was prepared on a result-oriented basis. It is assumed that the results of such revision would also be its own advocate for use of this type of preparation, as has been proven further in the previous commitment, 4.1.

If the recommended timeframe for the period review is adhered to, this would also enable early identification of problematic aspects in a project or its implementation and adjustment thereof. The comprehensive implementation of combined budget reporting and result-oriented budgeting practices would therefore lead to the government being more transparent and accountable, with potential possibilities to redirect finances as a result of improved self-auditing of expenditures and so-called fiscal space.

²¹ United Nations Development Program (UNDP) (2009). *Handbook on Planning, Monitoring and Evaluating for Development Results*. Accessed online January 29, 2015. <http://web.undp.org/evaluation/evaluations/handbook/english/documents/pme-handbook.pdf>, p.13.

²² UNEG, p. 17, 22.

²³ UNDP, p. 186.

²⁴ International Federation of Accountants (IFAC). *Global Representation & Advocacy*. Accessed January 28, 2015, <https://www.ifac.org/about-ifac/global-representation-advocacy>.

²⁵ IFAC Policy Position (2012). *Public Sector Financial Management Transparency and Accountability*, accessed January 28, 2015, <http://www.ifac.org/sites/default/files/publications/files/Policy%20Position%20Paper%204%20For%20Issue.pdf>, p. 4.

²⁶ International Monetary Fund (IMF) (1999). *Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles*, accessed January 30th 2015, <http://www.imf.org/external/np/mae/mft/code/eng/code2e.pdf>, p. 4.

Commitment 5.2; Electronic Procurement

Commitment Title:	Adopting a nation-wide electronic procurement system	Number:	5.2
Implementing Actor: <i>(as in NIS)</i>	General Supplies Department, Joint Procurement Department, Government Tenders Department	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – fourth Quarter 2014
Full text: <i>(as in NIS)</i>	Adopting a nation-wide project to put in place an electronic government procurement system to allow registration of providers, bid submission and pricing electronically and transparently, and provide concerned parties with access to necessary data.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

There are two bylaws related to the topic of procurement.¹ However, these are general bylaws, which do not specifically mention any electronic projects. In an interview, the General Director of the General Supplies Department (GSD) explained that in 2008 plans for the project were first initiated but due to lack of finance, implementation could not commence and only studies have been conducted such as proof of concept and feasibility.²

Important to note, however, is that at the time of compiling the Independent Reporting Mechanism evaluation report in 2012, this unified bylaw was claimed to be in “the final stages for approval.”³ Also mentioned in this report is that stakeholders have expressed their concerns regarding lack of their input.⁴

According to a 2011 USAID analysis of the draft bylaw, “E-procurement, while included in some of the provisions of the bylaw, is not addressed in a

¹ The Hashemite Kingdom of Jordan, Government Works Bylaw [In Arabic] No. 71, 1986. Official Gazette 3642, March 1, 1987; and Government Works Tender Instructions Issued in 1987 pursuant to Article 16 of the Government Works Bylaw [In Arabic].

² Dr. Ahmad Mashagbeh, General Director, the General Supplies Department. Personal interview, January 14, 2015.

³ Amer Bani Amer and Mai Eliemat, Al Hayat Center for Civil Society Development (2013). *Independent Reporting Mechanism: Jordan Progress Report 2012-13*, accessed December 20, 2014, <http://www.opengovpartnership.org/country/jordan/progress-report/progress-report>, p. 73.

⁴ Ibid, p. 74.

comprehensive, systematic fashion.”⁵ Based on the comments in this document, it seems that the law does not include any technological measures in bids and tenders, as it seems to require paper documentation of placed bids in Article 40 C5 and 7.⁶ However, according to the World Bank Country Strategy, this draft bylaw was developed with their help and in line with best practices.⁷ Requests for access to the draft bylaw were committed to the research team by the General Supplies Department, but not fulfilled during the research period.⁸

A plan published on the General Supplies Department website makes mention of the electronic procurement system. The plan published on the website mainly refers to goals and justifications of the e-procurement project. While it mentions “current situation,” it refers to the launch of the preparatory phase in 2005 in cooperation with UNDP. Any other developments are not dated.

The self-assessment report published by the Government of Jordan regarding the commitments listed in the first National Action Plan for the Open Government Partnership in February 2013 states “a technical committee, comprised of the Government Tenders Department, Joint Procurement Department, General Supplies Department, e-government program at the Ministry of Communication and Technology, and the Audit Bureau, is prepared to issue an international tender ... pending the availability of funds.” Additionally, in a 2011 assessment of Jordan’s implementation of the Paris Declaration on Aid Effectiveness, it states that the GoJ is in the process of merging 3 procurement departments into a Unified Procurement Department.⁹ There is no indicator of this having happened, or plans therefore still being in place. This same document already states the “making operational” of the e-procurement system.¹⁰

A feasibility study was reported to have started in 2012 in cooperation with the National IT Industry Promotion Agency – NIPA, a Korean agency, which works on information technology development and helping using information and communication technology for customizing governmental policy.¹¹ This study was

⁵ USAID/Jordan Economic Growth Office (February 10, 2011). *Jordan Fiscal Reform Project II, Comments and Observations on Draft Procurement Bylaw*, accessed December 28, 2014. <http://www.frp2.org/english/Portals/0/PDFs/Jordan.Proc.Comments.Draft.By-Law%20Feb%202011.pdf>, p. 2.

⁶ Ibid, p. 10.

⁷ International Bank for Reconstruction and Development and International Financial Corporation (February 1, 2012). *Country Partnership Strategy for the Hashemite Kingdom of Jordan for the Period FY12-FY15, Report No. 58114-JO*. Accessed January 20, 2015, <http://documents.worldbank.org/curated/en/2012/02/15780007/jordan-country-partnership-strategy-period-fy11-fy15>, p. 23.

⁸ Dr. Ahmad Mashagbeh, personal interview. .

⁹ Organisation for Economic Co-operation and Development (OECD) (2011). *Aid Effectiveness 2011: Progress in Implementing the Paris Declaration – Volume II Country Chapters, Jordan*. Accessed January 20, 2015. <http://www.oecd.org/dac/effectiveness/Jordan%203.pdf>, p. 6.

¹⁰ Ibid.

¹¹ National IT Industry Promotion Agency (NIPA). *Strategic Planning*. Accessed December 24, 2014, <http://www.nipa.kr/eng/itStrategicPlanning.it>.

reported on by Petra News Agency,¹² yet nothing is mentioned on the NIPA website, which seems to have been last updated in 2010.¹³ Petra reports that it was estimated for the study to take up 6 months¹⁴, yet nothing has been published.

Implementation of Commitment

In an interview, the General Director of the General Supplies Department (GSD) referred to a draft bylaw that has been submitted to the Cabinet for approval, which was not available for reference. This bylaw is intended to amend and include all clauses of the various bylaws that the Department has published previously, and is to be a unified bylaw applicable to all governmental entities and public universities. According to him, the 2012 study mentioned above has been finished and published. The assessment was said to include “the current situation of Jordanian legislation on procurement in terms of the legal framework for application.” Additionally, GIZ were approached and provided a needs assessment for the e-procurement project. One of their recommendations was for the Department to amend their legislation and legislative framework for this project/commitment.¹⁵ The Petra article states that Jordanian e-procurement is to be modeled after the Korean government system.¹⁶

The General Director of the GSD stated that the Korean International Cooperation Agency (KOICA) is the official funder for the e-procurement project as governmental institution in South Korea, with a fund of 8.5 million USD as of November 2014. They have conducted a series of meetings and are to continue doing so with the GSD. They are to devise an action plan based on a situation analysis and legislative research regarding the e-procurement project. On January 25th 2015, a team of 6 experts were expected to visit Jordan and commence these studies and formulation.¹⁷

As part of the project, KOICA will give capacity building trainings to Department staff, so they are able to transfer this knowledge as part of project implementation. This action plan is the basis for actual implementation of the project, which is to have started, and is expected to take 2-3 years to complete. It is to entail training of various stakeholders, including those in the public and private sectors, and meetings have been conducted with the private sector to train them in how to deal with e-procurement.

¹² Petra News Agency (May 28, 2012). *General Supplies Department begin a feasibility study on the application of electronic procurement* [In Arabic]. Accessed online December 14, 2014, http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=72152&CatID=20&Type=Home>ype=1.

¹³ National IT Industry Promotion Agency (NIPA). *NIPA News*. Accessed December 24, 2014, <https://www.nipa.kr/eng/boardList.it?boardNo=109&menuNo=55&page=1>.

¹⁴ Petra News Agency (May 28, 2012). .

¹⁵ Dr. Ahmad Mashagbeh, personal interview.

¹⁶ Petra News Agency (May 28, 2012).

¹⁷ Dr. Ahmad Mashagbeh interview.

However, stakeholders met with as part of the research process countered this, noting a lack of coordination and consultation with the government in general in terms of legislation- and policy formulation.¹⁸ The Department has quarterly meetings with the World Bank discussing the project and aspects of transparency and how to best achieve this, according to the General Director. Envisioned is change that makes it possible for everything to be organized and witnessed online; “envelope openings will not have to be attended by 100 persons anymore; each person can be present technologically.” It will focus on workflow regulation; there are to be regulations for response time, and documents should be available electronically. Everything is to change from paper to electronic.¹⁹

It has been argued above that the verb “adopting” is multi-interpretable, and based on provided information, the research team does not consider this commitment to have been accomplished seeing as there have been no tangible results regarding the so-called *going live* of the electronic procurement system or website. However, according to the GSD, the commitment was finalized upon signage of the agreement between the Korean and Jordanian government regarding the this project. As the GSD was involved in writing the commitment, they consider these steps to have been the “adopting” of the project.²⁰

It is interesting to note that the roll-out of an e-procurement system is one of the items of reform needed to be completed for Jordan to become member to the World Trade Organization’s Government Procurement Agreement, which it has been hoping to join since 2000.²¹ This is particularly interesting information leading to the question of what the reasons and challenges for lack of its achievement have been; especially taking into account the fact that e-procurement has been an aspect of numerous government plans and commitments for several years which have been initiated with international aid.

Best Practices and Recommendations

Guidelines which are applicable but not specific to e-procurement are those published by the OECD,²² which state that “a clear policy is required on how a country wants its procurement system to evolve over time and the kinds of specific capacity demands the system will face.”²³ Thus it states that the first step in any type of system development is to have a clear (and public) strategy, which is not the case

¹⁸ Private Sector Stakeholder meeting with the research team. Amman, March 24th 2015.

¹⁹ Dr. Ahmad Mashagbeh, personal interview.

²⁰ Ibid.

²¹ International Bank for Reconstruction/ World Bank (2012), *Why Reform Public Procurement?*, accessed January 20, 2015, http://www.worldbank.org/content/dam/Worldbank/document/MNA/Why_Reform_Public_Procurement_English.pdf, Box 4, p. 13.

²² Organisation for Economic Co-operation and Development (OECD) (2004), *Harmonising Donor Practices for Effective Aid Delivery, Volume 3: Strengthening Procurement Capacities in Developing Countries. DAC Guidelines and Reference Series*, accessed January 20, 2015, www.oecd.org/dataoecd/12/14/34336126.pdf.

²³ Ibid, p. 39.

for Jordan as the plan which has been compiled with KOICA is not public. The guidelines also advise on strong cooperative ties with the private sector, which according to the General Supplies Department General Director is the case in Jordan.²⁴ However, As included before stakeholders met with as part of the research process countered this, noting a lack of coordination and consultation with the government in general in terms of legislation- and policy formulation.²⁵

The Aberdeen Group guidelines²⁶ concur with the OECD that those implementing best practices of e-procurement should have “well-thought-out strategies” for implementation.²⁷ It must be kept in mind that these guidelines focus on private companies with different goals in online procurement than a government. Nonetheless, the advice of having a solid implementing strategy remains valid. The Aberdeen Group also recommends maintaining a “strong focus on user adoption”, and stakeholder involvement.²⁸

Chile has adopted these best practices in their e-procurement system which was stated to provide “benefits ... in terms of transparency, efficiency, and development of the country’s e-commerce capacity.”²⁹ The saving of funds experiences in Chile was also noted in the case of Bangladesh, in addition to assisting in the combating of corruption in this country.³⁰ While the Chilean system is overseen by a private organization, the actual implementation and methodology can serve as a relevant example to the Jordanian government. Additionally Jordan may benefit from installing a specific department, even if this is to be within the General Supplies Department, responsible for implementation and legislative frameworks based on the example set by Ireland.³¹ This would be suitable, seeing as the Irish Government Supplies Agency, assumed the Irish counterpart of the GSD, is responsible for end-implementation.

If the best practices are applied, the Jordanian government will be more effective, transparent, and cost effective in the dealing with bids and tenders as other countries’ examples have proven. Amending laws in accordance with best practices will contribute to better representation. It is the researchers’ hope that due to inclusion of the South Korean partner in implementation and design of the project,

²⁴ Dr. Ahmad Mashagbeh, personal interview.

²⁵ Private Sector Stakeholder meeting with the research team. Amman, March 24th 2015.

²⁶ Aberdeen Group (2005). *Best Practices in E-Procurement, Reducing Costs and Increasing Value through Online Buying*, accessed January 20, 2015, http://www.purchasing.upenn.edu/news/ag_bpe_0512.pdf

²⁷ Ibid, p. ii.

²⁸ Ibid, p. 7.

²⁹ Claudio Orrego, Rodrigo Mardones and Carlos Osorio (2000). *Chile’s Government Procurement E-System*. Accessed online January 20, 2015, <http://go.worldbank.org/RKQNW0XRG0>, p. 2.

³⁰ Shakeel Ahmed Ibne Mahmood (2013), “Public Procurement System and e-Government implementation in Bangladesh: The role of public administration.” *Journal of Public Administration and Policy Research*, 5:5, p. 119.

³¹ Ireland National Public Procurement Policy Unit (2002). Accessed online January 20, 2015, ftp://ftp.cordis.europa.eu/pub/innovation-policy/studies/19_ireland.pdf

the listed best practices will be addressed due to this government's own system and high level of implementation and the international consideration of their system as being the best practice.³² Specifically due to their focus on including transparency and reducing transaction costs,³³ and their phased implementation approach.³⁴ Enhancing the good practice which is expected regarding this is the constant communication the GSD has with the World Bank, who has also implemented their own e-procurement system for the selection of consultants.³⁵

³² Ibne Mahmood, p. 117.

³³ Ibid, p. 118.

³⁴ Public Procurement System Korea (PPS), the Republic of Korea (June 2012), *e-Procurement Experience in Korea: Implementation and Impact*, accessed January 20, 2015, http://ec.europa.eu/internal_market/publicprocurement/docs/eprocurement/conferences/speeches/ho-in-kang_en.pdf, p. 9.

³⁵ Ibne Mahmood, p. 118.

Commitments 6.1, 6.2, 6.3; Service Delivery Standards and Manuals

Commitment Title:	Listing government services and their providers and working to improve service delivery	Number:	6.1
Implementing Actor: <i>(as in NIS)</i>	Agencies concerned with service delivery, Ministry of Public Sector Development.	Timeline: <i>(as in NIS)</i>	First quarter 2014 – fourth quarter 2015
Full text: <i>(as in NIS)</i>	Listing government services and their providers and working to improve service delivery through the following: - Continuous specialised training of employees concerned with service delivery. - Upgrading programmes and electronic linkage system in a manner that activates the one-stop-shop service center for end-users. - Revisiting, developing and simplifying the procedures required to access services. - Improving the environment of service delivery in terms of venues and facilities.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Upgrading service delivery standards	Number:	6.2
Implementing Actor: <i>(as in NIS)</i>	Ministry of Public Sector Development, Agencies concerned with service delivery	Timeline: <i>(as in NIS)</i>	First quarter 2014 – fourth quarter 2015
Full text: <i>(as in NIS)</i>	Upgrading the standards and raising the bar of targeted levels of service delivery, so as to minimize discretionary authority in service delivery and meet the needs, wishes and expectations of service recipients, who should have a say regarding the way they are served, which should be in line with the best practices and observant of financial and legislative restrictions.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/>

	Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear <input type="checkbox"/>
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Commitment Title:	Making it mandatory for agencies and departments that provide services to circulate standards via manuals	Number:	6.3
Implementing Actor: <i>(as in NIS)</i>	Ministry of Public Sector Development, Agencies concerned with service delivery	Timeline: <i>(as in NIS)</i>	First quarter 2014 – fourth quarter 2015
Full text: <i>(as in NIS)</i>	Making it mandatory for agencies and departments that provide services to circulate these standards via manuals that entail procedures, responsibilities, the time needed to obtain the service, fees (if any) and required documents. Publication of these manuals should come via all available means (website, public service offices, etc.)		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The Development of Public Services Bylaw No. 64 of 2012¹ replaced the Governmental Services Improvement Bylaw No. 64 of 2006.² The latter was more extensive, however, with articles having been omitted and only 8 provisions addressing the same issue in both laws. Overall, the amendment has not been an improvement.

Relating to commitment 6.1, the 2006 Bylaw refers to a specific envisioned level of service delivery, which has been excluded from the 2012 Bylaw. For example, Article 4C of the 2006 Bylaw refers to developing service standards, relevant to the last bullet point of this commitment, which has been omitted from the 2012 Bylaw. Removal of this article is arguably a removal of commitment to accountability towards citizens.

¹ The Hashemite Kingdom of Jordan, Development of Public Services Bylaw [In Arabic] No. 64, 2012. Official Gazette 5178, September 9, 2012.

² The Hashemite Kingdom of Jordan, Governmental Services Improvement Bylaw [In Arabic] No. 64, 2006. Official Gazette 4785, October 1, 2006.

A number of articles in the 2012 Bylaw directly relate to the topics addressed in commitment 6.1, specifically Article 3F which expresses the wish to spread a culture of excellence in service provision, and stipulates a training program for this goal. Article 4F prescribes “awareness and training of staff on mechanisms and tools of service delivery.” Article 4B refers to an electronic manual, and Article 3A refers to a “preparing the special policy for governmental service improvement and referring it to the Cabinet for their decision, ratification, and implementation thereof.” Article 4B is the only one directly relating to the composition and publishing of a guide as is envisioned in 6.3.

There are no provisions regarding improving the service delivery environment in the 2012 Bylaw in terms of facilities and procedures. The 2012 bylaw refers to policy development in Article 3A, however these are not found online. However, Ministry of Public Sector Development indicated that there is an existing document on government policies for developing the public sector, which has as one of its main components “developing and improving governmental services”.³

In general, the 2006 Bylaw places a larger focus and emphasis on actual improvement of service delivery, which can be interpreted to be relevant on multiple levels such as minimizing discretionary authority as is envisioned in commitment 6.2. For example, Article 5 of the 2006 Bylaw proposes a yearly survey to measure opinions and identify needs of service recipients. Omitting this Article also decreases the accountability and inclusivity towards and of citizens.

In the 2012 Bylaw, there remain a number of articles directly relating to the topics addressed in commitment 6.2, specifically Articles 3B and 3C which state that programs need to be developed to enable agencies to improve their services. In addition, Articles 4C, 4D, 4E, and 4F commit departments to develop the level and standards of their services efficiently and effectively while meeting needs of stakeholders. The articles stipulate that departments should measure performance levels in accordance with standards, follow-up with service recipients, and train staff. These provisions are important to combatting “discretionary authority” (as it is termed in the commitment), which will require rigid adherence to codified procedures.

Relating to this same commitment, 6.2, a “Survey of Service Recipients on Governmental Services 2011” is published online by the Ministry of Public Sector Development.⁴ Yet, as the date shows, this survey was compiled prior to the formulation of the NIS and this commitment. Moreover, the survey lists that 72

³ Fayrouz Bani Hamdan, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Comments on Hayat Center report on preliminary assessment of NIS* [In Arabic]. Email communication (unpublished document), June 24, 2015.

⁴ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development (2011). *Survey of Service Recipients on Governmental Services 2011* [In Arabic], accessed December 21, 2014, <http://goo.gl/ZUhhkM>.

service units and distributors from 9 governmental parties were examined. However, the main results listed in the report refer to the demographic of respondents, and state that the Residence and Border and Palestinian Affairs Departments score the highest in 3 of the 6 criteria. The Survey and Land and Civil Affairs and Passports Departments are the two governmental institutions needing “the most care and guiding policies that will improve their services.” Thus an initial observation of the report is that it does not assist in working towards the goal of this sixth aspect nor this specific commitment, as it does not focus on the topic of the commitment. It’s worth noting that the government has been conducting an annual survey to measure the adherence of governmental agencies to Bylaw 46, the results of which are disseminated back among the agencies to help strengthen adherence to the bylaw. The most recent survey was distributed on November 12, 2014.⁵

Regarding commitment 6.3, Article 5 of the 2012 Bylaw directly binds government departments “to prepare a guide containing services provided by the Department according to the standards presented and made available to inform the public, including electronic publication.”

Implementation of Commitment

Based on the above background, it seems that the relevant legislative framework supports the commitments, even prior to the publishing of the NIS. The MoPSD has published an update on their website regarding the *topic of developing service delivery and simplifying its mechanisms*,⁶ where it writes about the following; having implemented a training program, a central complaints system which forwards these complaints to the Prime Ministry, service delivery operations in the sectors of health and education were supported, and electronic linkage was conducted in the Ministry of Education, Health, National Aid Fund, Department of Land and Survey.⁷ This update is relevant to all three commitments assessed in this section, however there was no mention made of specific accomplishments regarding the upgrading of standards of service delivery or inclusion of stakeholders in the determining the need thereto as commitment 6.2 specifically envisions.

Moreover, the majority of this information is not supported by sources, and in case any were found these were not always functioning. For example, on the MoPSD website under the tab “Guides,” the link to the “service guides” is broken.⁸ However, the Ministry of Public Sector Development stated that those guides are published on individual governmental agencies’ websites and the central E-government portal,

⁵ Ibid, Fayrouz Bani Hamdan.

⁶ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *Development of services and simplification of procedures* [In Arabic]. Accessed December 21, 2014, <http://goo.gl/IFwocE>.

⁷ Ibid.

⁸ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *Guides* [In Arabic]. Accessed December 21, 2014, <http://www.mopds.gov.jo/ar/Pages/TopNav/Manual/ServiceGuide.aspx?Menu=3>.

and that the Ministry is only obligated to publishing orientation guides that it has published itself for training and knowledge-sharing.⁹

Nonetheless, in a document provided to the research team regarding achievements in commitment implementation, the Ministry states that it prepared service manuals for 26 governmental departments for a total of 1023 services, of which it states 16 departments have published online (electronically).¹⁰ The remainder are being adopted based on the hardcopy versions by the concerned institutions prior to being published electronically. Due to this response being given specifically in reference to this commitment, it is assumed the MoPSD feels these manuals assist in achieving commitment 6.3, and minimizing discretionary authority and raising the bar of service delivery, addressing commitment 6.2. This cannot be validated, however, due to the non-functionality of links on the ministerial website. Some articles published by Jordanian media at the end of 2014 support the claim of the Ministry that it has been working on the publishing of guidebooks and that these have been completed for 33 institutions, covering a total of 1256 services.¹¹ The preparation of these guides falls within the Ministry's plan to prepare a comprehensive guide for government services. There appears to be a conflict, therefore, between the numbers reported by the Ministry itself and those reported by the media for guides completed up to February 2015.

Despite these reports, however, Al Hayat found that the Minister of Public Sector Development had issued an official request to 16 agencies for the preparation and publication of services guides,¹² and this was repeated in a number of media reports in August 2014. These requests asked that the agencies and departments publish information about their services on service delivery sites, departmental websites, and the central E-Government portal to enable citizens to engage with the ministries to obtain services.¹³ The Ministry stated that this request to publish electronic

⁹ Ibid, Fayrouz Bani Hamdan.

¹⁰ Eng. Fayez Al Nahar, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Workflow Matrix for National Integrity System projects with implementation responsibility at the Ministry of Public Sector Development* [In Arabic]. Email communication (unpublished document), March 15, 2015.

¹¹ The Jordan Times (December 29, 2014). *Guidebooks outline services of Industry Ministry, IT Centre*. Accessed December 30, 2014. <http://jordantimes.com/guidebooks-outline-services-of-industry-ministry-it-centre>.

¹² Ibid, Eng. Fayez Al Nahar.

¹³ Petra News Agency (August 9, 2014). *"Public Sector Development" provides guides for service delivery in government departments* [In Arabic]. Accessed January 21, 2014, http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=160804&CatID=14.

manuals was in keeping with Article 4 of Bylaw 46, and that it made this request to government agencies clearly in writing.¹⁴

Not all 16 departments committed to publishing the manuals, however, and the research team's analysis of websites showed great discrepancies in their actual publication. The Ministry of Higher Education and Scientific Research for example published the 2014 service manual on its homepage,¹⁵ as did the Department of Land and Surveys in 2013.¹⁶ The Civil Defense Directorate, in contrast, did not publish its services as a single manual but has a list of numerous user guides.¹⁷ The Central Traffic Department has a two links on its homepage which could be interpreted as leading to a manual, namely "Services and Procedures" and "E-Administration Services". The prior is not a functioning link, however, and the latter – while referring to services, does not lead to an integrated guide which can be downloaded.¹⁸ Another example of this type of representation – listing services but without a guide published - is the Ministry of Environment.¹⁹ The Housing and Urban Development Corporation homepage displays two different links for two different types of services, with undated PDF formatted explanations.²⁰ Additionally, there is a link for a project titled "Updated Draft Service Guide for 2015," with a request for public feedback.²¹ The Department of Antiquities does not have any type of guide published on a functioning link.²²

In the MoPSD's Operational Plan to implement the commitments of the NIS,²³ it is stated that for 25 governmental departments guides should be prepared in 2014, and an additional 25 for 2015. Thus, as the timeframe for this commitment is stipulated to last from the first quarter of 2014 until the fourth of 2015, the Ministry can be considered as committed to its implementation if these goals are adhered to, and if it is done in cooperation with the departments. Through above listed analysis

¹⁴ Ibid, Fayrouz Bani Hamdan.

¹⁵ The Hashemite Kingdom of Jordan, Ministry of Higher Education and Scientific Research. *Service Manual 2014*. Accessed February 21, 2015, <http://www.mohe.gov.jo/ar/Documents/Guide2014.pdf>.

¹⁶ The Hashemite Kingdom of Jordan, Department of Land and Survey. *Department of Land and Survey Service Manual* [In Arabic]. Accessed February 21, 2015, <http://www.dls.gov.jo/inside.php?src=ml&id=48>.

¹⁷ The Hashemite Kingdom of Jordan, Civil Defense Directorate. *User Guides* [In Arabic]. Accessed February 21, 2015, http://www.cdd.gov.jo/pages.php?menu_id=68.

¹⁸ The Hashemite Kingdom of Jordan, Central Traffic Department. *Homepage* [In Arabic]. Accessed June 21, 2015, http://www.traffic.psd.gov.jo/index.php?option=com_content&task=view&id=788&Itemid=412.

¹⁹ The Hashemite Kingdom of Jordan, Ministry of Environment. *Services Provided by the Ministry* [In Arabic]. Accessed February 21, 2015, <http://www.moenv.gov.jo/AR/Services/Pages/default.aspx#.VYae2Pmqkqk>.

²⁰ The Hashemite Kingdom of Jordan, Housing and Urban Development Corporation. *Homepage* [In Arabic]. Accessed February 21, 2015, <http://www.hudc.gov.jo/>.

²¹ The Hashemite Kingdom of Jordan, Housing and Urban Development Corporation. *Updated Draft Service Guide for 2015* [In Arabic]. Accessed June 21, 2015, <http://www.hudc.gov.jo/node/1006>.

²² The Hashemite Kingdom of Jordan, Ministry of Tourism and Antiquities, Department of Antiquities. *Homepage* [In Arabic]. Accessed June 21, 2015, <http://www.doa.gov.jo/index.php>.

²³ Ibid, Eng. Fayez Al Nahar.

of websites, this does not seem to have been done, in accordance with the text of commitment 6.3. Thus, the commitment is assessed as being partially implemented, and recommends higher levels of coordination between the MoPSD and departments, and to further obligate the latter to publish its manuals in a clear, dated, and uniform manner.

As for commitment 6.1, which stipulates the listing of government services, it appears through above analysis that there is lack of standardization in the display of information thus lack of completion of the MoPSD's prescribed steps in the commitment. Relating to specialized training provision of employees concerned with service delivery, the MoPSD reports in its operational plan that four training programs were to be held in 2014, as well as four in 2015.²⁴ This is in line with the stipulated timeframe of the commitment lasting from the first quarter of 2014 until the fourth of 2015. According to the MoPSD's own assessment, six training programs focusing on capacity building and government service development were conducted in 2012, as well as to conduct surveys to measure customer satisfaction relating to service provision by various departments.²⁵ However, there were no public announcements relating thereto found by the research team on governmental websites or in media coverage.

As for strengthening of programs and electronic linkage; this is a vague term used in commitment 6.1, and it is not clear whether this has happened. The plan included for 2014/2015 identifying the IT needs of administrations for the ministry to provide its services to 4 departments every year as well as preparing a technical report to re-engineer the process for 9 services every year.²⁶ The research team does not concur with the understanding of the Ministry relating to the concept of strengthening merely indicating identification of needs, evaluation and submission of proposals, or application thereof and making necessary changes. Nonetheless, the MoPSD's achievement report shows this aspect has been completed by preparing a proposal for electronic linkage of the Ministries of Health, Education, Higher Education and Scientific Research, and Tourism, and the National Aid Fund and the Land and Survey Department. The report also indicates that the technical reports for service development and restructuring of mechanisms has been completed for the National Aid Fund, as well as partially completed for the Ministries of Health and Higher Education and Scientific Research. This addresses the points of the commitment relating to reviewing and simplifying procedures.²⁷ However, the research team was unable to verify the validity of this information provided by the MoPSD due to lack of disclosure, while it is recognized that the actual practical steps are difficult to investigate. This leads to the assessment of commitment 6.1 being substantially, but not fully completed.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

When interviewed by the research team, citizens suggested that for general improvements to service delivery, it would be useful to work on training and “rehabilitation” of staff, explaining that they wished that the public sector is managed similar to the way the private sector is managed.²⁸ Another interviewee agreed that training is an important step in improving service delivery, specifically ensuring that employees or service providers are aware of their role.²⁹ This awareness longed for by citizens would also reflect on discretionary authority, which some citizens indirectly addressed by expressing that public sector staff is assigned by nepotism and not as a result of qualifications.³⁰ Additionally, they expressed their dissatisfaction relating to frequent requests for improvement of service delivery which are never responded to.³¹ The idea of a one-stop-shop as stated in 6.1 is assumed to receive widespread support, as a citizen stated that the major improvement needed is a “unified service platform.”³² Another interviewee believes that the solution to improving service delivery lies in decentralization and local governance.³³

Regarding commitment 6.2, a report was prepared by the MoPSD in 2014 based on a survey on how committed governmental departments are to the requirements of Bylaw 64, 2012, and the analysis of results was presented to the Prime Minister.³⁴ They were not, however, published or discussed in media, going against the principle of governmental transparency as the mere existence of an evaluation does not necessarily mean development of standards, reducing discretionary authority, or taking service recipients’ needs into account. Nonetheless, it must be recognized that this is an important step in the direction of achievement of the commitment, and the MoPSD Operational Plan states there are further steps to be taken in accordance with the provisions of the 2012 Bylaw, such as preparation and dissemination of electronic manuals during 2014-2015, and to publish service standards and service charters during 2015.³⁵

While the research team believes that the mentioned steps may contribute to achieving full implementation of the commitment, they are considered inadequate in addressing development. The steps as listed in the Ministry’s plan are less ambitious than those mentioned in the commitment and do not serve the same values of community participation and adhering to best practice. Additionally, the questionnaires for internal use are not sufficient as for the level of ambition of the commitment. Consequently, the level of achievement for 6.2 is considered limited.

Best Practices and Recommendations

²⁸ Abdal Razaq al-Muhtassab, Citizen, Ma’an governorate. Phone interview, May 12, 2015.

²⁹ Suleiman Khawaldeh, Citizen, Ma’raq governorate. Phone interview, May 12, 2015.

³⁰ Abdal Razaq al-Muhtassab, Citizen, Ma’an governorate. Phone interview, May 12, 2015.

³¹ Ibid.

³² Ola al-Sawa’i, Citizen, Ajloun governorate. Phone interview, May 12, 2015.

³³ Dr. Hani al-Rfou’, Citizen, Tafileh governorate. Phone interview, May 12, 2015.

³⁴ Ibid, Eng. Fayez Al Nahar.

³⁵ Ibid.

A study done by the World Bank shows that the efficiency and effective delivery of basic services paves the road to good governance.³⁶ This good governance is important specifically to increase the gender sensitivity of service delivery, as “poor governance leads to unwelcome outcomes for access to public services by the poor and other disadvantaged members of the society such as women, children, and minorities.”³⁷ The Asian Development Bank concurs, stating that “Most citizens judge the quality of governance by their experience in receiving essential public services.”³⁸ This underlines the importance of the Government of Jordan to implement these three commitments, as well as to do so in line with good practice.

To improve service delivery, the World Bank recommends the use of a so-called outcome measurement analysis, which has as one of the main goals to uncover citizen/stakeholder priorities and experiences through conducting surveys.³⁹ This method would also be useful in obtaining citizen views relating to upgrading service delivery practices (6.2), specifically in combination with Citizen Charters and inclusion of a “grievance redress mechanism”⁴⁰ that would help a government to address the needs and expectations of recipients. “Agencies need objective, valid, and reliable information on how well they are doing in delivering quality services.”⁴¹ This information would be most valuable if obtained from service recipients, meaning citizens. This would also ensure that improvements envisioned in 6.1 are conducted optimally. Not only would this enhance the accountability of the government, but would ensure that the improvement is being done in line with the actual need therefore.

While the benefits of the World Bank measurement methodology are manifold, including increasing accountability and improving citizen trust in their government, this method is a costly one to implement.⁴²

The abovementioned Citizen Charters can also provide a guideline for the content of the manuals which are to be published by each deliverer, as per commitment 6.3. The below listed selected suggested content of the Charter would be useful information to incorporate into manuals;

- The services that the organization provides.
- For each service, the location of the office(s), hours of operation, and relevant contact person.

³⁶ World Bank (2005). *Public Service Delivery; Public Sector Governance and Accountability Series (ed. Anwar Shah)*, accessed February 3, 2015,

<http://siteresources.worldbank.org/PSGLP/Resources/PublicServiceDelivery.pdf>, p. xxvi.

³⁷ World Bank, p. ix.

³⁸ Asian Development Bank (2013). *Governance and Public Service Delivery*, accessed online February 3, 2015., http://www.adb.org/sites/default/files/publication/30418/ado2013-update_0.pdf, p. 58.

³⁹ World Bank, p. 16-17.

⁴⁰ David Post and Sanjay Agarwal /GAC in Projects. *How To Notes, Citizen Charters: Enhancing Service Delivery Through Accountability*, accessed February 3, 2015, goo.gl/T3zKp3, p. 1.

⁴¹ Ibid, p. 87.

⁴² Ibid, p. 86.

- For each service, what forms are required to make a service request, where the forms can be obtained, and where they should be dropped off (if applicable).
- For each service, tangible and measurable standards about what stakeholders can expect in the realm of service delivery. The following information should be included:
 - o How much services cost.
 - o How long it will take to complete various services (e.g., time required to process an application or restore a water connection).
 - o What happens if the organization does not meet up to its stated service delivery standards (e.g., paying the user financial compensation or sending a letter of apology).
- Customer service standards (e.g., customers will be treated with respect).
- Where and how stakeholders can access the grievance redress mechanism if they are dissatisfied with the quality of service provided, and details about the grievance redress process (e.g., timetable for providing a response to the complainant, actors responsible for various stages of the grievance redress process).⁴³

The one-stop-shop service center referenced in commitment 6.1 would be a positive step for facilitating services and simplifying the steps for obtaining them. This is in accordance with best practices outlined by USAID.⁴⁴ The referenced document would provide a useful guideline for the GoJ in determining the specific content and implementation of such a system.

Both the Asian Development Bank and the World Bank agree that a decentralized government facilitates improved service delivery; “decentralized countries are more responsive to citizen preferences in service delivery and strive harder to serve their people than centralized countries.”⁴⁵ The Asian Bank finds that the success of Asian governments in public service reform depends largely on three mechanisms, namely empowering citizens, engaging local government and the private sector, and expanding the use of information and communication technology.⁴⁶ In India, it was found that the latter decreased service delivery time by 30%, and reduced face to face contact with government officials limited opportunities for bribery and corruption.⁴⁷

⁴³ David Post and Sanjay Agarwal/GAC in Projects, p. 7.

⁴⁴ United States Agency for International Development (USAID). *One Stop Shop Best Practices, A Methodology to Implement One Stop Shop in the Public Sector*, accessed online December 24, 2014, <http://www.frp2.org/english/Portals/0/PDFs/OSS%20summary%20E,%20Oct%2025,%202011.pdf>.

⁴⁵ World Bank, p. 49.

⁴⁶ Asian Development Bank, p. 66.

⁴⁷ Ibid, p. 75.

Additionally, a solid legal framework that is being enforced is necessary to enable service delivery in line with best practices, as this would define specific roles and responsibilities for relevant authorities.⁴⁸ Combining this with an online system would enhance transparency of the government and facilitate and ease the process of service obtaining by citizens and enable the definition of specific roles and responsibilities for relevant authorities.⁴⁹ Actual enforcement hereof is crucial in the decreasing of the use of discretionary authority (6.2).

⁴⁸ Ibid, p. 67-8.

⁴⁹ World Bank, p. 67-8.

Commitments 6.4, 6.5, 6.6, 6.7; Service Delivery Assessment

Commitment Title:	Intensifying monitoring and accountability to ensure full commitment to service delivery standards	Number:	6.4
Implementing Actor: <i>(as in NIS)</i>	Ministry of Public Sector Development, Audit Bureau	Timeline: <i>(as in NIS)</i>	First quarter 2014 – continuous
Full text: <i>(as in NIS)</i>	Intensifying monitoring and accountability to ensure full commitment to service delivery standards.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Periodic unannounced assessment of the level of service delivery	Number:	6.5
Implementing Actor: <i>(as in NIS)</i>	Ministry of Public Sector Development	Timeline: <i>(as in NIS)</i>	First quarter 2014 – continuous
Full text: <i>(as in NIS)</i>	Periodic unannounced assessment of the level of service delivery and identifying areas and opportunities of potential improvement, and implement these in cooperation with the concerned government agencies.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Upgrading service delivery in governorates and remote areas	Number:	6.6
Implementing Actor: <i>(as in NIS)</i>	Ministry of Public Sector Development, agencies concerned with service delivery	Timeline: <i>(as in NIS)</i>	First quarter 2014 – continuous
Full text: <i>(as in NIS)</i>	Upgrading governmental services offered in governorates and remote areas to the level of those in the capital.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness <input type="checkbox"/> Transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Designing an interactive monitoring body to assess government services	Number:	6.7
Implementing Actor: (<i>as in NIS</i>)	Ministry of Public Sector Development, Ministry of Communications and Information Technology.	Timeline: (<i>as in NIS</i>)	First quarter 2014 – fourth quarter 2016
Full text: (<i>as in NIS</i>)	Designing an interactive monitoring body to assess government services, to measure satisfaction of end-users.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The Development of Public Services Bylaw of the year 2012¹ replaced the Governmental Services Improvement Bylaw of 2006.² The latter was more extensive, however, with articles having been omitted and only 8 provisions addressing the same issue. Overall, the 2012 amendments have not been an improvement, as elaborated on in the previous commitments of Aspect 6.

There are no articles in the 2012 Bylaw directly referring to monitoring and accountability (6.4) or to measuring of service delivery and improvement (6.5). Relating to the prior, Article 6A, however, states that the Minister is to issue necessary instructions to implement “methodologies concerning the application of the foundations of the development of standards of service.” As for 6.5, Article 3B, states that “programs and methods to enable agencies to improve service delivery” are to be developed. Article 4D, which was literally transferred from the 2006 Bylaw, states that “actual performance levels” are to be measured “in accordance

¹ The Hashemite Kingdom of Jordan, Development of Public Services Bylaw [In Arabic] 2012. Official Gazette 5178, September 9, 2012.

² The Hashemite Kingdom of Jordan, Governmental Services Improvement Bylaw [In Arabic] No. 64, 2006. Official Gazette 4785, October 1, 2006.

with delivery standards.” Yet there is no indication of how this is to be done, and it is possible that this will be conducted through the periodic unannounced assessment mentioned in the commitment text.

There are multiple articles in the 2012 Bylaw referring to assessment and including recipient opinions (6.7). Regarding the former, Article 4H prescribes that the department is to “determine a competent administrative unit specialized in institutional development in the department and to enforce and follow-up with the provisions with the Minister.” While it does not mention a monitoring body, it does address installation of a specialized unit, which could relate to a monitoring body.

Article 4C states departments are to “identify needs and expectations of service recipients.” This text was literally transferred from Article 3E of the 2006 Bylaw. Article 3C states that the Ministry is responsible to “cooperate with departments in the development of studies focused on improvement of services, and including the voice of service recipients therein, and periodically evaluating services available, and to refer recommendations pertaining to these topics to the Cabinet.”

It is interesting to note that there are more legal stipulations regarding citizen inclusion than there seems to be importance attached to it in the commitment itself. The 2006 Bylaw makes no direct or indirect reference to monitoring units or bodies. Article 4E specifically relates to this commitment as it states the department is to “increase the level of service recipient satisfaction.” This article, however, was omitted in the 2012 amendment.

The 2006 Bylaw also does not specifically refer to monitoring and accountability but rather refers to it indirectly. For example, Article 3D refers to cooperation in “measuring of services and determine[ing] areas for improvement.” This implies monitoring, as does Article 7 which refers to “actual performance review” and plans for implementing improvements. The fact that Article 7 has been removed in its entirety from the 2012 amendment is disconcerting.

In 2013, the MoPSD made the eComplaint system for service delivery go live online. This project was implemented in collaboration with Fiscal Reform Project II, funded by the United States Agency for International Development (USAID).³ However, there are no sufficient reports showing the functioning of this system, its outputs, or electronic interaction between the service provider and recipient; it is merely for communications between the complainant and the defendant. When a number of citizens were asked about this system, knowledge and awareness hereof appeared weak.⁴

³ Petra News Agency (November 25, 2013). *The Ministry of Public Sector Development Releases eComplaint System* [In Arabic]. Accessed March 15, 2015, http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=1&site_id=2&NewsID=131241&CatID=14.

⁴ Private Sector Stakeholder meeting with the research team. Amman, March 24th 2015.

In terms of commitment 6.6 there are no articles in either the 2006 or 2012 Bylaw directly referring to service delivery in specific governorates or ensuring the same or a similar level of service delivery in the capital and other governorates of the Kingdom. The fact that there is no mention of specific locations and clear-cut provisions regarding equalizing all service delivery is disappointing.

Additionally, this commitment is related to commitment 1.1.4 of the first National Action Plan published by the Government of Jordan as part of the Open Government Partnership.⁵ This commitment prescribes the “Designing the second phase of the national program aimed at improving public services and simplifying procedures on governorate and district levels for the period 2014-2016 through tackling additional departments and services. This will ensure justice in providing services across the Kingdom.”⁶

Even at the point of its publishing in 2013, this second phase seemed to not have yet been prepared or finalized. The government’s self-evaluation report on the implementation of the referenced First National Action Plan, however, states that this second phase is ready for implementation yet has not been started yet due to lack of financial means.⁷

Implementation of Commitment

The MoPSD has published an update on its website regarding the *topic of developing service delivery and simplifying its mechanisms*,⁸ where it writes about the development of a central complaints system, which produces a monthly report of those complaints filed to it, and refers this to the Prime Ministry. a link was found on MoPSD website⁹.

Other than this online mention, there have been no reports of a monitoring body having been installed relating to commitment 6.7. The MoPSD claims that a public visualization of an observatory has been prepared, consisting forms for service evaluations and in light thereof, a draft with technical specifications and implementation requirements has also been prepared.¹⁰ Where this can be found and if it was published for public viewing is not clear. Additionally, this is merely an indication of initial steps having been taken and does not indicate achievement of

⁵ Open Government Partnership. *Jordan First National Action Plan 2012-2014*. Accessed February 11, 2015, <http://www.opengovpartnership.org/country/jordan/action-plan>.

⁶ Ibid, p. 6.

⁷ The Hashemite Kingdom of Jordan, (February 2013). *The Open Government Partnership, Jordan: National Action Plan First Progress Report*, accessed December 12, 2014, <http://goo.gl/lum0zS>, p. 3.

⁸ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *Developing service delivery and simplifying its mechanisms*. Accessed December 21, 2014, <http://goo.gl/IFwoCE>.

⁹ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *central complaints system*. Accessed December 21, 2014, <http://www.mopsd.gov.jo/ar/Pages/CMU.aspx>.

¹⁰ Eng. Fayez Al Nahar, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Workflow Matrix for National Integrity System projects with implementation responsibility at the Ministry of Public Sector Development* [In Arabic]. Email communication (unpublished document), March 15, 2015.

the commitment. In its Executive Plan, the MoPSD states it is to achieve the commitment through a number of measures, and that it has been preparing technical specifications for and actual development of the observatory, in addition to training officials in its use being planned for the first quarter of 2015. The actual launching of the observatory is set to take place in the second quarter of 2015, and obtain feedback from service recipients and prepare assessment and follow-up reports starting from the third quarter.¹¹ Correspondingly, the commitment is assessed to be achieved to a limited level.

However, it is important to note that a monitoring body would be appreciated, a citizen in Mafrq stated that to improve service delivery more monitoring is needed, and that the role of CSOs therein is important as well.¹² Additionally, it is recommended that there is cooperation between governmental agencies, citizens, and civil society organizations.

The update cited above also mentions that support was given to service delivery operations in fundamental sectors such as health and education, as a result of which areas for improvement were determined. While this is a good effort in implementing commitment 6.5, there is no specific detail regarding whether this and service manuals for relevant ministries and institutions were the result of unannounced assessments, also called mystery shopping visits.

Nonetheless, it does seem that unannounced visits have been conducted during 2014, seeing as this was reported in the media, which also implies that citizen opinions are being taken into account in the evaluation of service delivery.¹³ This is a positive step, which should be commended as it increases the principle of public integrity, enhances citizen partnership and inclusivity.

The MoPSD also reports that a total of 48 mystery shopping visits were conducted, resulting in reports referred to the Prime Ministry which in turn referred them to the relevant governmental parties so as to improve the level of those observed services.¹⁴ The website of the Ministry of Education dispatched that the committee charged with studying the committee's mystery shopping report is to hold its first meeting to approve a set of recommendations serving service recipients. These recommendations were presented at the meeting, and are to be accompanied with follow-up to monitor the effects of the committee's work and the extent of actual implementation of the recommendations posed by it.¹⁵ This underlines the

¹¹ Ibid.

¹² Suleiman Khawaldeh, Citizen, Mafrq governorate. Phone interview, May 12, 2015.

¹³ The Jordan Times (November 30, 2014). *A Day in the life of public sector reform inspectors*. Accessed December 31, 2014, <http://jordantimes.com/a-day-in-the-life-of-public-sector-reform-inspectors>.

¹⁴ Ibid, Eng. Fayez Al Nahar.

¹⁵ The Hashemite Kingdom of Jordan, Ministry of Education. *Educational Directorate of the Qasabit Amman District, Amman Directorate* [In Arabic]. Accessed March 15, 2015, <http://www.moe.gov.jo/Directorates/DirectoratesNewsDetails.aspx?DirectoratesNewsID=3795&DirectoratesID=8>.

importance of the reports being associated with specific recommendations and a follow-up plan, so as to be able to monitor the effect of the committee's work and level of implementation of recommendations.

In the Executive Plan of the MoPSD, the conducting of field visits and assessment report preparation are considered to have been implemented, considering that nine mystery shopping visits have been conducted per quarter starting in 2014. Regarding follow-up, this is to be conducted with concerned institutions to address the gaps starting in 2015.¹⁶

Based on the above, the research team considers the commitment to have been partially completed making note of the fact that clear and public evidence of its completion was not found. According to the MoPSD, they will start implementation of the commitment in 2015.

With reference to commitment 6.4, the Executive Plan provided by the MoPSD states that a periodic survey is to be conducted regarding the extent of departments' adherence to Bylaw 63 of 2012 and that implementation was started in the third quarter of 2014.¹⁷ Additionally, the MoPSD has stated that on November 12th 2014, the Prime Ministry published a directive (No. 83/11/1/39451) instructing all governmental institutions to adhere to the notes published in the MoPSD report, including the prescribing of mystery visits. Based on this report, the Prime Minister is to address the concerned ministers to take the notes into account and provide the MoPSD with update reports regarding actions taken.¹⁸

The research team has not been provided insight into this correspondence, however, while a number of newspaper articles have supported the MoPSD's own assessment. This coverage is a significant sign of the level of transparency applied to service delivery standard development. However, what is stated in the Executive Plan of the Ministry does not lead to the conclusion that there are more procedures relating to accountability and adherence to service delivery standards. Yet, upon comparison of the Plan and actual accomplishments it was found that the steps envisioned in the prior exceed those of the NIS commitment. Nonetheless, the research team believes that improved oversight and accountability require specific measures to be applied beyond the issues of evaluation and follow-up. Taking all these factors into account, the commitment is assessed as partially completed.

As for commitment 6.6, there are currently no indicators that prove the second phase mentioned in the first National Action Plan referenced above have been prepared. Additionally, there is no mention of any plans regarding service delivery outside Amman on the MoPSD or other service delivery agencies' websites or documentation. In a document sent to researchers in response to questions, the MoPSD's answer provided in relation to this commitment included development criteria for provision of services, developing standards, manuals, and conducting

¹⁶ Ibid, Eng. Fayez Al Nahar.

¹⁷ Ibid.

¹⁸ Ibid.

visits.¹⁹ This leads to the conclusion that there have been no substantial efforts to upgrade services in rural areas, as stated in the commitment. This could be the result of lack of clear and specific measures being identified within the text.

Upon examination of the Executive Plan, the following steps relating to implementation of this commitment were uncovered; an inventory of services provided in the governorates during 2014, a study of possibilities to simplify procedures to provide services through devolution of powers and electronic linkage, and studying the possibility of linking to the e-government program through cooperation and coordination therewith which is to start in 2015.²⁰ It does not, however, contain specific measures such as implementation of the second phase of the National program aimed at improving services within the period of 2014-2016, this one of the fundamental programs to achieve the commitment as referred to in the Background section. The government has failed to implement practical steps clearly however, despite its importance. It is an ambitious commitment resulting overlapping with a number of other projects, yet its specificity, realistic-ness, and measurability are questionable. Accordingly, the commitment's implementation level is assessed as limited.

The necessity for this commitment's implementation was the subject of varying stakeholder's opinions. A citizen in Al Karak governorate said that Amman benefits from advantages and resources and the further removed governorates do not.²¹ A citizen from Ajloun agreed, stating "Jordan is Amman. The focus of all the services, even the private ones, is in the capital, and the further you go from Amman, the worse the services are."²² A Tafileh resident concurred with this; "Governorates suffer from a complete marginalization, especially in Tafila, Mafraq, and parts of Zarqa."²³ In Mafraq this was agreed with as well, where it was said that some of the services provided in Amman "are very scarce in other governorates."²⁴

In the same vein, a Karak citizen feel that the most necessary improvements are related to "justice in the distribution of the fortunes' benefits and advantages to the regions," even though Al Karak benefits from tourism they do not see the financial returns thereof in any way, and have not witnessed any noticeable improvements in service delivery during 2014.²⁵ The citizen of Ma'an agreed with this, stating that all services were lacking and no response had been given to specific requests for improvement.²⁶ In Ajloun, no improvements or changes were observed during 2014 either, explaining that obtaining services are always "a hassle."²⁷ In Tafileh, stakeholders reported that the health and educational sectors were the worst

¹⁹ Ibid.

²⁰ Ibid.

²¹ Abbas al-Nuwayseh, Citizen, Karak governorate. Personal interview, March 15,2015.

²² Ola al-Sawa'I, Citizen, Ajloun governorate. Phone interview, May 12,2015.

²³ Dr. Hani al-Rfou', Citizen, Tafileh governorate. Phone interview, May 12,2015.

²⁴ Suleiman Khawaldeh, Citizen, Mafraq governorate. Phone interview, May 12,2015.

²⁵ Abbas al-Nuwayseh, Citizen, Karak governorate. Personal interview . March 17,2015.

²⁶ Abdal Razaq al-Muhasseb, Citizen, Ma'an governorate. Phone interview, May 12,2015.

²⁷ Ola al-Sawa'i, Citizen, Ajloun governorate. Phone interview, May 12,2015.

arenas of service delivery, and that no improvements had been observed in 2014.²⁸ In Mafraq, stakeholders reported a decline in service provision, arguing that this was due to the influx of Syrian refugees.²⁹

Best Practices and Recommendations

In general, monitoring and evaluation are unanimously identified as good practice in the analysis of any project and a valuable method to “strengthen the basis for managing for results, foster learning and knowledge generation”, in addition to it enhancing public accountability.³⁰ In summary, monitoring and evaluation analyses can help improve future implementations by contributing to the learning process, and work in favor of the implementing actor by enabling them to have solid resources based on which they can advocate for support.³¹ If these results are unexpected or unfavorable, these can also be better understood. Thus, this method is also applicable and favorable to governmental actors, and adhering to M&E best practices would greatly enhance the work and accountability of the Jordanian government.

A method of monitoring and evaluation was developed by CARE Malawi in 2002, namely the Community Score Card (CSC),³² which is appropriate for commitment 6.4, as it can be applied on multiple levels. This means that it can be used as an intra-institutional monitoring and assessment tool, as well as being used to obtain stakeholder feedback.³³ While this seems like a simple system, it is only effective if implemented with rigorous planning and understanding of facilitators.³⁴ This approach has a high level of transparency, however, enhances participation between government and citizens, and thereby creates greater accountability.³⁵ The UNDP Handbook on Monitoring and Evaluation also stresses the importance of including stakeholders in the process and taking into account their wants and needs.³⁶

Research did not reveal other best practices or guidelines specifically relating to the monitoring of service delivery, however general monitoring practices could provide as a useful source of guidance. One source of good practices is the United Nations Evaluation Group (UNEG) which has numerous publications and guidelines for

²⁸ Dr. Hani al-Rfou', Citizen, Tafleeh governorate. Phone interview, May 1², 2015.

²⁹ Suleiman Khawaldeh, Citizen, Mafraq governorate. Phone interview, May 12, 2015.

³⁰ United Nations Development Program (UNDP) (2009). *Handbook on Planning, Monitoring and Evaluating for Development Results*. Accessed January 29, 2015, <http://web.undp.org/evaluation/evaluations/handbook/english/documents/pme-handbook.pdf>, p. 181.

³¹ Ibid.

³² CARE Malawi. *The Community Score Card (CSC): A generic guide for implementing CARE's CSC process to improve quality of service*, accessed February 3, 2015, http://www.care.org/sites/default/files/documents/FP-2013-CARE_CommunityScoreCardToolkit.pdf, p. 4.

³³ Ibid, p. 7.

³⁴ Ibid.

³⁵ Ibid, p. 4.

³⁶ UNDP (2009), p.164.

various stages of monitoring and evaluation projects. The UNEG Standards for Evaluation in the UN System states that there is to be a specific organization of those conducting evaluation, and that the “Head of Evaluation is responsible for ensuring the preparation of evaluation guidelines.”³⁷ The GoJ is adhering to this, as it has appointed the Audit Bureau as one of the responsible bodies to implement this commitment. UNEG prescribes methodologies to be guaranteed to be impartial and open.³⁸ Thus it is strongly recommended that the Audit Bureau and MoPSD not only include citizens and other stakeholders in the monitoring process, but also coherently and consistently publish the results of these efforts.

The interactive monitoring body, which is part of commitment 6.7, is recommended to adhere to the best practices recounted above, specifically regarding the use of the Community Score Card Tool,³⁹ which - if it is in the hands of a single actor, will be more likely to be implemented effectively with the necessary rigorous planning and understanding of facilitators.⁴⁰ It should be ensured that they adhere to the practice of including citizens and stakeholders in their monitoring efforts. Additionally, with this single monitoring body carrying out the monitoring and accountability envisioned in Commitment 6.4, the government would adhere to the UNEG Standards referenced above. However, if there is a combination of these two commitments then it should be made clear what the specific role of the Audit Bureau is to be.

Regarding the mystery shopping committed to in 6.5, the United States Agency for International Development (USAID) published a guideline for mystery shopping best practices,⁴¹ which states that it aims to periodically and continuously review and evaluate services and processes in an objective manner to improve the level of services provided, and determine and improve the level of performance and professionalism of employees responsible for providing services.⁴² Those conducting the unannounced assessments should be well-trained and have specific forms to fill out so as to ensure consistency in information and evaluation.⁴³

This type of monitoring is important to be conducted in addition to customer satisfaction analysis, as there may be different outcomes of the evaluation. This can be the result of lack of awareness amongst consumers regarding the service standards. Therefore their own evaluation of services may not uncover

³⁷ United Nations Evaluation Group (UNEG) (2005). *Standards for Evaluation in the UN System*, accessed online January 29, 2015, <http://www.uneval.org/document/detail/22>, p. 6.

³⁸ Ibid.

³⁹ CARE Malawi, p. 4.

⁴⁰ Ibid.

⁴¹ United States Agency for International Development (USAID). *Mystery Shopping Best Practices, A Methodology to Implement Mystery Shopping to Improve Service Delivery in the Public Sector*, accessed December 24, 2014, <http://www.frp2.org/english/Portals/0/PDFs/MS%20summary%20E,%20OCT%2025,%202011.pdf>.

⁴² Ibid, p. 1.

⁴³ Ibid.

discrepancies between standards and actual delivery,⁴⁴ and be more positive than the mystery shopping results.

To ensure that the visits conducted by the GoJ are done in accordance with best practices, they should be well planned and done so in cooperation with all relevant actors. The most efficient way to achieve this is for the MoPSD to publish its own guidelines to be used by all service providers under the umbrella of the various governmental departments and units, and conduct training for all employees who are to carry out the visits. The MoPSD should identify the main and general purpose of mystery shopping and the minimum criteria to which each deliverer is to comply with. These criteria should be based on the standards, which have been published by the service provider. Additionally, the interpretation and analysis of data should also be done according to set and unified guidelines. However, it is important that there remains space for adjustment according to the specific needs and situation of the implementing actors.

In the publication of reports, it is important to ensure that the results of the covert monitoring practices do not negatively affect the morale of public-servants. The critiques are to be formulated in a constructive and motivating manner, placing focus on the 'lessons learned' aspect rather than on naming-and-shaming.

According to the OECD, service delivery is “the dominant component of the rural economy. It is clear that a vibrant service sector is both vital for a prosperous local economy and crucial for meeting the needs of rural citizens.”⁴⁵ It seems that discrepancies in service delivery between rural and urban areas are not unique to the Kingdom of Jordan. “Countries continue to view their urban and rural territories as distinct and separable for most public policy purposes.”⁴⁶ Thus, it is not surprising that both the Asian Development Bank and the World Bank agree that a decentralized government facilitates improved service delivery; “decentralized countries are more responsive to citizen preferences in service delivery and strive harder to serve their people than centralized countries.”⁴⁷ However, in the specific case of Jordan, there is a lack of an enabling legislative structure, while “may be the best and most socially desirable governing structure is achieved when locally elected councilors have decision-making responsibility for all local goods and services regardless of how they are delivered.”⁴⁸ This is important to take into

⁴⁴ BMG Research Group. *Mystery Shopping*. Accessed online February 3, 2015, <http://www.bmgresearch.co.uk/what-we-do/mystery-shopping/>.

⁴⁵ Organisation for Economic Cooperation and Development (2010). *OECD Rural Policy Reviews: Strategies to Improve Rural Service Delivery*, accessed February 3, 2015, <http://goo.gl/BxVqXA>, p. 14

⁴⁶ *Ibid*, p. 15.

⁴⁷ World Bank (2005). *Public Service Delivery; Public Sector Governance and Accountability Series (ed. Anwar Shah)*, accessed February 3, 2015, <http://siteresources.worldbank.org/PSGLP/Resources/PublicServiceDelivery.pdf>, p.49.

⁴⁸ *Ibid*, p. 122.

account, because both the quantity and quality of services delivered by the government differ widely between urban and rural areas in Jordan.⁴⁹

One of the reasons for discrepancies in service delivery standards may lie in the fact that “rural areas, in particular, frequently face staffing shortages because workers tend to prefer living and working in urban areas.”⁵⁰ The Asian Development Bank identifies another discrepancy to lie in the amount of financial resources, which are channeled towards rural areas and their service delivery structures.⁵¹

Taking these facts and best practices into consideration, it is recommended that the government of Jordan consider how it may provide incentives for workers to remain in rural areas. One of those incentives is to increase internet connectivity in such areas,⁵² which would also enable the use of accessing services online, for example through the one-stop-shop which the Government has envisioned as part of Commitment 6.1, the electronic services and the e-government project. The main recommendation provided by the OECD which the GoJ should take into account is to focus on “innovation and willingness to consider a new methodology or approach, instead of simply rescaling the way the service is provided in an urban setting.”⁵³ The government should be prepared to make the necessary investments in order to upgrade rural services.

⁴⁹ OECD, p. 34.

⁵⁰ World Bank, p. 168.

⁵¹ Asian Development Bank (2013). *Governance and Public Service Delivery*. Accessed online February 3, 2015, http://www.adb.org/sites/default/files/publication/30418/ado2013-update_0.pdf, p. 61.

⁵² OECD, p. 44.

⁵³ Ibid, p. 47.

Commitment 8.1; E-Government Program

Commitment Title:	Revising the e-government program	Number:	8.1
Implementing Actor: <i>(as in NIS)</i>	Ministry of Communications and Information Technology, Ministry of Public Sector Development, Government institutions	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Second Quarter 2014
Full text: <i>(as in NIS)</i>	E-government: - Revisiting the work approach of the e-government programme, identifying the obstacles hindering its realisation in achieving goals, and suggesting solutions to activate and implement it in the public sector, as initially planned.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

This commitment was also part of the first National Action Plan for Jordan's participation in the Open Government Partnership. Upon conclusion of the action phase covered by that plan, however, the e-government system was reported to have been behind schedule.¹ There is a lack of clear legislation regarding the e-government program, with exception of the draft Electronic Transactions Law.²

There are, however, a number of strategies which have been prepared relating to the e-government program. The first strategy was published in 2003, with a follow-up strategy published in 2006.³ The latter makes vague mention of legislation, as follows;

- A law establishing the National Information Technology Center exists.
- Laws and regulations related to e-transactions exist, though an evaluation is needed to determine what gaps exist.

¹ Amer Bani Amer and Mai Eliemat, Al Hayat Center for Civil Society Development (2013). *Independent Reporting Mechanism: Jordan Progress 2012-13: Jordan*, accessed December 20, 2014, <http://www.opengovpartnership.org/country/jordan/progress-report/progress-report>, p. 3.

² The Hashemite Kingdom of Jordan (February 2013). *The Open Government Partnership, Jordan: National Action Plan First Progress Report*. Accessed November 29, 2014. <http://goo.gl/lum0zS>, p. 3.

³ The Hashemite Kingdom of Jordan, Jordan e-Government Program (2006). *Jordan E-Government Strategy*, accessed December 23, 2015, www.thieswittig.eu/...Strategies/Jordan/Jordan_e-GovernmenStrategy.pdf.

- The Central Bank has issued regulations that partially address e-transfers and e-banking.
- The Ministry of Finance has issued regulations on e-payments, but amendments are needed.
- A law on digital certificates is being studied.⁴

Thus even within this strategy, which was the second one published, there was no mention of a clear legal framework. Additionally, a third strategy was published in 2009 which focused on “keeping pace with technological developments and implementation of the delayed [aspects].”⁵ A new strategy was being prepared in 2013⁶ and is discussed below.

The self-assessment document prepared relating to the First National Action Plan as part of the Open Government Partnership in 2013⁷ states that “the draft e-transactions law was referred to Cabinet in August 2012. The draft law is currently at the Legislation and Opinion Bureau for review.”⁸

Implementation of Commitment

While multiple strategies have been published as referred to in the Background section, and a draft strategy for the years 2014-2016 was prepared in April 2013 as mentioned above, there are no further updates on this known to date.⁹ The e-Government website is currently online,¹⁰ and according to the 2013 document there are 87 services online, provided by a variety of entities.¹¹ The strategy reports that it is hoped that by 2020, the government will be at the maturity level of “connected.”¹² Additionally, it was reported in December 2014 that the draft e-transactions law was returned to the House of Representatives for approval.¹³

There is no specific or overt mention of “revisiting the work approach” or the assessed need in any official documentation. A statement from the Ministry of Communication and Information Technology¹⁴ is critical of the project and claims to

⁴ Ibid, p. 37.

⁵ Hashtag Arabi (14 December 2014). *Jordan Fails to Transition the Electronic Government* [In Arabic]. Accessed February 10, 2015, <http://hashtagarabi.com/2014/12/3150>.

⁶ The Hashemite Kingdom of Jordan, Jordan e-Government Program (15 April 2013). *E-Government strategy 2014-2016*, accessed December 20, 2014, <http://goo.gl/x2osok>

⁷ Hashemite Kingdom of Jordan (2013), p. 3.

⁸ Ibid.

⁹ The Hashemite Kingdom of Jordan, Jordan e-Government Program (15 April 2013).

¹⁰ The Hashemite Kingdom of Jordan, Jordan e-Government. Accessed February 10, 2015. <http://www.jordan.gov.jo/wps/portal/>.

¹¹ The Hashemite Kingdom of Jordan, Jordan e-Government Program (15 April 2013), Annex 1, p. 42.

¹² Ibid, p. 5.

¹³ Hashtag Arabi (14 December 2014).

¹⁴ Ammon News (December 2, 2014). *The E-Government has cost 24 billion in 11 years, Ministry of Communications reveals the secret debacle* [In Arabic]. Accessed December 3, 2014, <http://www.ammonnews.net/article.aspx?articleno=213664>.

have spent 24 million JOD in the 2002-2013 time period. The main obstacles identified by the Ministry are as follows:

- Lack of human resources available full-time to apply the project in various institutions
- Non-optimal use of money during 2002-2008
- Stalling of projects and delayed implementation
- Lack of adequate financial support in the 2008-2013 Public Budget
- Lack of promotion and awareness of the project amongst institutions and individuals
- Paralysis of system 'work scope'

In the same statement, the Ministry adds "law and legislative amendments are not carried out fast enough in line with projects developing online services that guarantee protection of sensitive information."¹⁵The Ministry also revealed that one of the obstacles faced was weakness in human resources of implementing the companies of the e-Government program, and lack of appropriate infrastructure. This puts into question the transparency of bidding by the entities responsible for implementation, and the extent of governmental audit in its efficiency and capabilities to complete their work and its continuous evaluation. The government has also not provided sufficient justifications for inefficient expenditures during the period 2002-2008, calling into question governmental auditing practices. Despite the obstacles having been identified, there has been no news of a clear work plan in 2014 to address them.

Consequently, Hayat Center stresses the importance of; first, continuous public access to progress reports on the project; second transparency of bids, tenders, and governmental projects; third, continuous evaluation of government projects in general, and holding those responsible for its failure responsible. Hayat Center supports parliamentary monitoring of such projects, as the above statement by the Ministry of Communications and Information Technology was provided in response to questions posed by a member of parliament relating to e-government projects.

Based on the abovementioned data and lack of clear and specific measures taken by the Government to review the project's methodology, evaluation and development of solutions, implementation of the commitment is considered to not have started.

Best Practices and Recommendations

There are no specific guidelines for implementing an electronic government system, as it is argued that there is no single blueprint for a cross-cultural eGovernment system.¹⁶However, various research and lessons learned advise a number of basic things which need to be in place for an e-Government system to function to the best

¹⁵ Ibid.

¹⁶ Nasser Saidi and Hala Yared (2002). *eGovernment: Technology for Good Governance, Development, and Democracy in MENA Countries*, accessed January 21, 2015, <http://goo.gl/G60qhP>, p. 14.

of its ability. Examples of such things are strong leadership, infrastructural capacity regarding technology, human resources, legislation, and business.¹⁷

The Jordanian plans which were prepared to guide the implementation are in line with practices carried out in Australia¹⁸ and Singapore,¹⁹ for example. The example of Canada deserves special attention, as it has the highest rate in provision of e-Government services, mostly because it consults its citizens and creates action plans based on facts provided by them.²⁰ They have a Chief Information Officer who is solely responsible for the implementation of the eGovernment system and program.

Additionally, it is advised to have a strong legal framework in place which will enhance citizen trust, “address privacy protection and prosecution of computer crimes.”²¹ Such laws should include: “an eGovernment Law, a Data Protection Law, a Freedom of Information Law, an electronic signature or electronic communication law, and a Cyber Crime and Computer Misuse Law.”²² Thus it is recommended that the GoJ review the legislative framework and make haste in the passing of those laws whose drafts still have not been approved.

The fact that strategies are reconsidered on a regular basis is a positive aspect of the government’s implementation of the system. However, it is important to review whether clear goals have been established, as it has been identified that not doing so often leads to failure of a project.²³ Additionally it must be reiterated that citizen participation in the formulation and revisiting of the work approach would strongly enhance the outcome, it may lead to the subsiding of obstacles and a more sustainable implementation in the long run. In this incorporation, the GoJ needs to take care to ensure the incorporation of females and other minority groups (i.e. youth, disabled, etc.) in forums or surveys.

This is important, seeing as a good structured system adds to “improve[d] efficiency, and effectiveness, create[s] transparency and accountability of informational and transactional exchanges within government, between governments and government agencies at national, municipal, and local levels, citizens, and businesses; and to empower citizens through access and use of information.”²⁴ Moreover, it is important to note that eGovernment reaches further than merely having websites for each governmental institution and services provided.

¹⁷ Ibid.

¹⁸ COMESA eGovernment Web Portal. *eGovernment Best Practices and Lessons Review*. Accessed January 22, 2015, <http://egov.comesa.int/index.php/e-government-resouces/14-e-government-best-practices-and-lessons-review>.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Saidi and Yared, p. 13.

²² Ibid, p. 14.

²³ Arne Trund Undheim (2008). “Best practices in eGovernment: on a knife-edge between success and failure.” *European Journal of ePractice*, 2, p. 20.

²⁴ Saidi and Yared, p.8.

Commitment 8.2; Restructuring the Government Apparatus

Commitment Title:	Restructuring government apparatus	Number:	8.2
Implementing Actor: (<i>as in NIS</i>)	Ministry of Public Sector Development, Legislation and Opinion Bureau, Government (ministries/institutions/departments)	Timeline: (<i>as in NIS</i>)	First Quarter 2014 – fourth quarter 2017
Full text: (<i>as in NIS</i>)	Restructuring government apparatus: - Revisiting the components of government apparatus (independent agencies, departments, ministries, etc.). - Amending relevant legislation. - Implementing government apparatus' restructuring. - Upgrading the organizational structures of the government institutions and revisiting their administrative organizational systems to ensure they are not in contradiction with the Civil Service Regulation		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Current relevant legislation to this commitment is the Restructuring Institutions and Government Departments Law No. 17 of 2014.¹ This Law differs in various aspects from the 2013 Restructuring Institutions and Government Departments Draft Law,² specifically regarding cancellation and transfer of tasks and authority. This is the case for the Privatization Implementation Authority and Jordanian Authority for the Investment Environment Development and Economic Activity (Article 2A and B).

The main restructuring occurs through the redistribution of powers from authorities to relevant ministries, renaming bodies and incorporating of other institutions therein. This is the case for the Agricultural Risk Management Fund (Article 2C); the Electricity Regulatory Commission (Article 3), the Development and Free Zones Department (Article 4); and the Audio-visual Media Authority (Article 5). The approved law makes mention of relevant existing legislation for under which the governmental institutions it restructures were instituted. Moreover it prescribes

¹ The Hashemite Kingdom of Jordan, Restructuring Institutions and Government Departments Law [In Arabic] No. 17, 2014. Official Gazette 5283, April 30, 2014.

² The Hashemite Kingdom of Jordan, Legislation and Opinion Bureau. *Restructuring of ministries, institutions and government departments draft law* [In Arabic]. Accessed February 13, 2015, http://www.lob.jo/List_FeedBack_Public.aspx?ID=224&Type=1.

the Cabinet to install a committee responsible for the restructuring and employee affairs (Article 7).

The 2014 Law therefore adheres to the same format as the Establishment of Government Departments and Development of Organizational Structures Bylaw No. 80 of 2012.³

Also relevant to the commitment is the referred to Civil Service Regulation, which is a 121 page bylaw published in 2013, and to which further amendments were passed in November 2014.⁴ Prior to this regulation, there were a number of amendments made in 2011 to the 2007 bylaw.⁵

Implementation of Commitment

Regarding the point of amending relevant legislation, the Restructuring of Government Institutions and Departments Law was approved on April 30, 2014.⁶ This new law includes the cancelation of five institutions, merging of six to 3, and transferring powers between institutions, as well as making amendments to some of the Prime Ministry's institutions and linking these to other relevant institutions.

The 2014 amendment of the Civil Service Bylaw speaks of trainings, salaries, and outlining the basic principles of civil service and necessary documentation each department is to have in place such as those relating to human resources (Chapter 4). The articles in this chapter are assumed to be most relevant to take into account during the restructuring, as well as the articles in Chapter 12 relating to position adjustment and those in Chapter 13 relating to transference, and termination of service as discussed in Chapter 18. It is commended that Article 179 specifically states that copies of any decision in the abovementioned spheres are to be sent to the Civil Service Bureau, the Audit Bureau and the Department of Public Budget as it allows for monitoring and decreases the possibilities of nepotism and fraud. Additionally, it stipulates that any restructuring should be done in accordance with the provisions of the bylaw so it can be scrutinized by the Civil Service Bureau.

According to the MoPSD, the actual implementation of restructuring of the governmental sectors within the priorities set by the Cabinet is expected to occur at a rate of two sectors per year throughout 2014-2016. A study on the feasibility and possibility of restructuring, organization, and unification of sectorial bodies is to be

³ The Hashemite Kingdom of Jordan, Establishment of Government Departments and Development of Organizational Structures Bylaw [In Arabic] No. 80, 2012. Official Gazette 5193, December 31, 2012.

⁴ The Hashemite Kingdom of Jordan, Civil Service Bureau. *Civil Service Regulation of 2014* [In Arabic]. Accessed February 13, 2015, <http://goo.gl/5PEy7i>.

⁵ The Hashemite Kingdom of Jordan, Civil Service Bureau. *Civil Service Bylaw No. 30 of 2007 and Amendment, and modifications up to 1/7/2012* [In Arabic]. Accessed February 13, 2015, <http://www.csb.gov.jo/csb/Legislations/Systems/CivilService.aspx>.

⁶ The Hashemite Kingdom of Jordan, Restructuring of Government Institutions and Departments Law [In Arabic] No. 17, 2014. Official Gazette 5283, April 30, 2014.

carried out for two sectors in 2014, and 3 in 2015 and 2016. Additionally, a study on the feasibility and possibility of restructuring institutions and companies listed in the Government Units Budget Law, was supposed to have been carried out in 2014 and follow-up and implementation of resulting recommendations is to be done throughout 2014-2016. This study has been completed, and the results have been presented to the Prime Minister⁷ on September 2nd 2014.⁸ In a Cabinet session on September 28th, the recommendations presented were approved.⁹

The organizational structures for government departments are to be developed for 15 bodies in 15 bylaws, to be implemented in 2014, for 16 bodies in 16 bylaws in 2015, and 16 bodies in 16 bylaws in 2016. Review and development of organized structures, and an administrative organization system has been implemented for a number of ministries and government departments.¹⁰ The MoPSD has reported that in 36 ministries, the organizational structure has been changed,¹¹ and it has been reviewed in a further 18 departments.¹² It is assumed this was done in accordance with the Civil Service Regulation, as MoPSD indicated through Article 4.B¹³.

The MoPSD is set to complete institutionalization of its work on restructuring and its development, for which the timeframe for issuing the instructions was 2014, while also issuing an instruction manual for the restructuring, to be done during 2014-2015. The manuals are currently being compiled,¹⁴ and no further updates relating thereto, the studies, or evaluation have been published online. Thus, actual implementation of the restructuring prescribed in the provisions of the 2014 law and other aspects of the commitment not related to legislation is limited at best. However, seeing the recent amendments of the laws, the “amending relevant legislations” component of the commitment can be assessed as at least partially completed, with this judgment being passed cautiously positive due to the lack of specificity regarding the actual legislations which are envisioned to be changed.

⁷ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *Restructuring the government apparatus* [In Arabic]. Accessed February 10, 2015, <http://goo.gl/Z4znwp>.

⁸ Eng. Fayez Al Nahar, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Workflow Matrix for National Integrity System projects with implementation responsibility at the Ministry of Public Sector Development* [In Arabic]. Email communication (unpublished document), March 15, 2015.

⁹ Ibid.

¹⁰ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development.

¹¹ Ibid, Eng. Fayez Al Nahar.

¹² Ibid.

¹³ Fayrouz Bani Hamdan, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Comments on Hayat Center report on preliminary assessment of NIS* [In Arabic]. Email communication (unpublished document), June 24, 2015.

¹⁴ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development.

Based on the above analysis of the commitment’s implementation, and taking into account the fact that the timeframe spans until the end of 2017, it is assessed as having been partially completed.

Best Practices and Recommendations

Studies have shown that reasons for restructuring governments can be traced back to a desire for greater accountability, efficiency, and better functioning of the government apparatus, leading to “strengthening of the executive branch.”¹⁵ Thus restructuring is intended mostly to focus on decreasing bureaucracy and increasing responsiveness to citizen demands and transparency.¹⁶ The European Foundation for the Improvement of Living and Working Conditions further recommends referring to the private sector as an example in restructuring to benefit public sector employees.¹⁷

The majority of documents with guidelines and confirmed good practice relating to reorganization of government are applied to local government. Some aspects of these practices are applicable to central government as well, as listed above. However, restructuring the government alone will not achieve this if other reform processes are not also applied simultaneously. It is advised to take into account the following:

- 1) Identify the strategic aims or purposes of restructuring.
- 2) Distinguish clearly the problems that reorganization seeks to fix.
- 3) Consider all vital stakeholders to be affected by restructuring.
- 4) Encourage the participation of those directly affected by restructuring.
- 5) Inspire, by example, commitment of participants at all levels of participation in the reorganization process.
- 6) Combine restructuring processes and outcomes with management and administrative improvements.
- 7) Recognize that reorganization is an ongoing or continuous process.
- 8) Prepare for an investment of resources to accomplish reorganization.
- 9) Point out and empower those responsible for restructuring.
- 10) Be cognizant of the constraints to achieving restructuring.
- 11) Grasp the political and organizational cultures of those affected by reorganization.
- 12) Establish a schedule for implementation and evaluation of restructuring.”¹⁸

¹⁵ Richard D. Young. *A Brief Guide: Twelve Considerations Important to Government Restructuring*, accessed January 24, 2015, <http://goo.gl/Bvv87n>, p. 1.

¹⁶ Eurofound (2010). *Current restructuring developments in local government, Background paper*, accessed January 24, 2015, http://eurofound.europa.eu/sites/default/files/ef_files/pubdocs/2010/19/en/1/EF1019EN.pdf, p. 5.

¹⁷ Ibid.

¹⁸ Young, p. 2.

There are a multitude of examples where local government has been restructured, yet there is less documentation on central government reorganization. Still, it is clear that on a national level, experiences in reorganization differ greatly,¹⁹ as it is very “specific to context.”²⁰ There is, however, agreement that taking into account the effect of restructuring on public sector employees is important, to consider the human cost and ensure loyalty. Problems identified in Britain and New Zealand, specifically regarding “lack of time for planning, lack of funding, overloaded staff, and little central support”²¹ in the 1980s, can be taken as lessons learned. Additionally, it seems that the reasoning behind the restructuring added to the challenges faced, “These restructures had largely been driven by Cabinet changes, often initiated by the Prime Minister to reallocate political portfolios.”²²

If Jordan applies the “responsible restructuring”²³ mentality, and takes into account the importance of planning and sufficient time for the restructuring to take place then the process could run more smoothly than in experiences in for example New Zealand and Britain in the 1980s. It is worthwhile for the GoJ to study in-depth the concepts of “new public management” theory and practice.²⁴ It is commended that the 2014 Law makes specific mention of the responsibilities towards reallocating employees. This is in accordance with good practice recommendations, and may provide beneficial, as it lowers the risk of deteriorated performance.²⁵ The latter is a risk because “Restructuring prompts senior managers and staff to focus on generic, transferrable knowhow rather than in-depth expertise which in many functions of government has few potential employers other than the current one.”²⁶

It is recommended, however, that updates regarding the restructuring process are openly published to enhance citizen awareness and engagement. Moreover, it is once more encouraged that stakeholders – in this case departmental staff – are involved in the restructuring process.

¹⁹ Eurofound, p. 13.

²⁰ Richard Norman and Derek Gill (2011). “Restructuring – an over-used lever for change in New Zealand’s state sector?” *Institute of Policy Studies Working Paper 11/06*, p. 12.

²¹ *Ibid*, p. 7.

²² *Ibid*, p. 6.

²³ *Ibid*, p. 6.

²⁴ Kenneth B. Dipholo (2014). “Governance, Restructuring, and the New Public Management Reform – South African Perspectives.” *Journal of Educational and Social Research*, 4:6.

²⁵ Norman and Gill, p. 13.

²⁶ *Ibid*, p. 15.

Commitment 8.3, 8.4, 8.5; The Civil Service System, human resources, and higher leadership posts

Commitment Title:	Updating the civil service system	Number:	NIS 8.3
Implementing Actor:	Ministry of Public Sector Development, Civil Service Bureau, Legislation and Opinion Bureau.	Timeline:	First quarter 2014 – third quarter 2014
Full text:	<p>Updating the civil service system:</p> <ul style="list-style-type: none"> - Revisiting the Civil Service Regulation thoroughly to render it responsive to the developments and changes public jobs have seen. - Embedding in the Civil Service Regulation provisions and articles related to the National Integrity System, particularly concerning public employees and posts and in a way that minimises discretionary authority and promotes clear and declared procedures. - Activating the professional code of conduct through a package of related training and educational and awareness programmes and relevant workshops. - Building the institutional capacity of the Civil Service Bureau. 		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness <input type="checkbox"/> Transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Building the institutional capacity of human resources units in the public sector	Number:	8.4
Implementing Actor:	Ministry of Public Sector Development, Civil Service Bureau	Timeline:	First Quarter 2014 – Fourth Quarter 2016
Full text:	<p>Building the institutional capacity of human resources units in the public sector, with focus on the following aspects:</p> <ul style="list-style-type: none"> - Preparing a manual of the various policies and procedures that govern the work of human resources administrations, ensuring the transparency and fairness of these procedures. - Training persons in charge of these units on modern techniques and practices of human resources management and development. - Ensuring that employees in these units acquire skills and knowledge related to the concepts of national integrity. 		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Higher leadership posts	Number:	8.5
Implementing Actor:	Prime Ministry, Ministry of Public Sector Development, Civil Service Bureau, oversight agencies.	Timeline:	First Quarter 2014 – Fourth Quarter 2014
Full text:	Higher leadership posts: - Applying the Regulation of Appointment to Leadership Positions as the only framework for recruitment in these posts. - Adopting advanced programmes to build leadership capacity. - Granting ministries’ secretaries general and directors’ general adequate powers, as they are the executive leaders in the government apparatus. - Developing a system to evaluate the performance of occupiers of top leadership posts and linking it to institutional performance.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

There is considerable overlap between the last point in this commitment and Commitment 8.4 due to the fact that the legislative system applied is similar or one. There are no laws applicable to the civil service system, yet there is the Civil Service Bylaw, or regulation as it is referred to in the commitment, Number 82 of 2013, and its amendments.¹ The 2013 amendment cancelled Civil Service Bylaw No. 30 of 2007.²

¹ The Hashemite Kingdom of Jordan, Civil Service Bylaw [In Arabic] No. 82 of 2013. Official Gazette 5262, December 29, 2013.

² The Hashemite Kingdom of Jordan, Civil Service Bylaw [In Arabic] No. 30, 2007. Official Gazette 4818, April 1, 2007.

The 2007 Bylaw was deemed unsatisfactory due to inclusion of an additional 46 governmental institutions in the civil service system in 2012, aimed to ensure unified structuring and administrative and financial practices.³ The 2013 amendment canceled the practice of permanent appointments, and replaced existing contracts as of early 2014. These are reported to be renewed annually, based on assessment of functioning and efficiency of employees.⁴ Additionally, it includes a revised system for performance evaluations of leadership posts, and works towards the principle of equal opportunities by allowing all staff within a department to compete for leadership and supervisory positions. This is done through internal advertising of vacancies and requirements.⁵ The 2013 Bylaw also states that if employees do not adhere to the processes laid out therein and instead use their own discretionary authority, the Anti-Corruption Commission should be notified.⁶

Regarding the code of conduct, it was published on the websites of the Civil Service Bureau⁷ and MoPSD⁸ in accordance with the 2013 bylaw. However, the websites of both governmental agencies did not reveal any information regarding activities or other aspects of the capacity building program referred to within this commitment.

With relation to 8.4, in Chapter 8 of the bylaw, the 2013 amendments expanded powers to the human resources committees and officers in ministries to improve the work of departments and speed up procedures relating to the management of human resources in government agencies. However, this has still not been done in a clear way, as it lacks more specific provisions and procedures that have yet to be published.

Additionally, there is one International Law ratified by Jordan in 1979, published by the ILO and thereby binding for Jordan to follow. This is the C142- Human Resources Development Convention of 1975.⁹ This document in itself addresses the

³ Petra News Agency (December 31 2013). *New Civil Service Bylaw eliminates permanent appointments and replaces contracts* [In Arabic]. Accessed February 10 2015, http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=1&site_id=2&NewsID=135153&Type=P.

⁴ Ibid.

⁵ Ibid.

⁶ Petra News Agency.

⁷ The Hashemite Kingdom of Jordan, Civil Service Bureau (October 9, 2013). *Code of Conduct and Ethics of Public Service Employees* [In Arabic]. Accessed February 13, 2015, <http://www.csb.gov.jo/csb/Home/MODAWANA-QAWA3D2014.aspx>.

⁸ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development (October 9, 2013). *Code of Conduct and Ethics of Public Service Employees* [In Arabic]. Accessed February 13, 2015, <http://goo.gl/PrBtbN>.

⁹ International Labor Organization. *C142- Human Resources Development Convention, 1975 (No.142)*. Accessed January 25, 2015. http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312287:NO

topics the commitment wants to improve such as coordination of clear policies and programs (Article 1) and vocational guidance (Article 3).

The most recent and relevant legislation to commitment 8.5 is dated 2014; the amended Appointment on Leadership Positions Bylaw No. 2 of 2014.¹⁰ This Bylaw amended the Appointment to Leadership Positions Bylaw and its amendments No. 3 of 2013¹¹ and the Appointment to Leadership Positions Bylaw No. 46 of 2013.¹² Additionally, it is worth mentioning that the Civil Service Bylaw No. 83 of 2013 includes a revised system for performance evaluations of leadership posts, and works towards the principle of equal opportunities by allowing all staff within a department to compete for leadership and supervisory positions. This is done through internal advertising of vacancies and requirements.¹³

Implementation of Commitment

The 2013 Bylaw was amended in 2014¹⁴ to address the changes in public jobs, as the commitment states it is to do, and was done in communication with the Civil Service Bureau according to the MoPSD.¹⁵ It is unclear whether since the implementation and publication of this Bylaw, to what extent there have been further reorganizations in this sector. Regardless the text of the commitment states that there is a need to amend the 2013 Bylaw to render it responsive to the development and changes public jobs have seen, and to “embed... provisions and articles related to the National Integrity System.” However, which aspects of the NIS are to be embedded is not specified, thus difficult to assess.

The Ministry has published its intent to amend the Bylaw on its website, as well as work on the implementation of other aspects of the commitment, such as capacity building in the executive projects of the plan of Developing Public Sector Performance Programs, 2014-2016.¹⁶ The multitude of changes or additions made are related to salaries (such as in Article 21B-2), expanding the scope of some articles (28B), overtime (Article 30), and other related issues, in addition to

¹⁰ The Hashemite Kingdom of Jordan, Appointment to Leadership Positions Bylaw [In Arabic] No. 2, 2014. Official Gazette 5263, January 2, 2014.

¹¹ The Hashemite Kingdom of Jordan, Appointment to Leadership Positions Bylaw and its amendments [In Arabic] No. 3, 2013. Official Gazette 5194, January 16, 2013.

¹² The Hashemite Kingdom of Jordan, Appointment to Leadership Positions Bylaw [In Arabic] No. 46, 2013. Official Gazette 5222, May 16, 2013.

¹³ The Hashemite Kingdom of Jordan, Civil Service Bylaw [In Arabic] No. 83, 2013.

¹⁴ The Hashemite Kingdom of Jordan, Civil Service Bureau. *Civil Service Regulation of 2014* [In Arabic]. Accessed February 13, 2015, <http://goo.gl/5PEy7i>.

¹⁵ Eng. Fayez Al Nahar, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Workflow Matrix for National Integrity System projects with implementation responsibility at the Ministry of Public Sector Development* [In Arabic]. Email communication (unpublished document), March 15, 2015.

¹⁶ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *Management and human resources development policies* [In Arabic]. Accessed February 10, 2015, <http://goo.gl/p32q9Q>.

amendment related to transparent procedures in the 10th chapter especially in . Article 86B. However, this merely makes mention of “complaints, grievances, and violations that reveal corruption” falling within the scope of this Article, that “prohibits the employee from taking any official documents or information, or a (photo)copy thereof or leaking it to any external body, or writing or declaring it” which he has access to as a result of his authority. This shows the limited degree of implementation. According to MoPSD the same chapter is forcing the employees to adhere to the code of conduct, where the code of conduct has many transparent procedures¹⁷.

Notwithstanding, a number of revisions and new instructions, policies,¹⁸ forms and templates have been prepared and are currently in use in the civil service.¹⁹ These are related to recruitment – contracts and job descriptions, and pay – bonus models and consultancies.²⁰ This shows that the first bullet point of the commitment has been completed.

Relating to the professional code of conduct, a review of the development and adoption of Code of Ethics and the ethics of public office was conducted.²¹ The MoPSD declared in written documentation that the Cabinet approved decision No. 3413 relating thereto on March 2nd 2014, where the research team obtained a copy of this approval,²² which it states is in line with the principles of integrity and transparency.

The MoPSD also states that a regulation was distributed on June 11th amongst all governmental entities ordering them to upload the code on their websites, and 2000 copies were printed and disseminated amongst governmental agencies on October 13th 2014.²³ Additionally, to raise awareness and understanding of the code, a workshop was held in attendance of approximately 110 directors of human resources units.²⁴

The commitment indicated activating the professional code of conduct through a package of related training and educational and awareness programs and relevant workshops. In this regard, a leadership capacity building and new employee orientation programs have been launched in 2014 and a Human Resources Information System was launched.²⁵ The MoPSD reported it has implemented

¹⁷ Fayrouz Bani Hamdan, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Comments on Hayat Center report on preliminary assessment of NIS* [In Arabic]. Email communication (unpublished document), June 24, 2015.

¹⁸ Ibid, Eng. Fayez Al Nahar.

¹⁹ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development.

²⁰ Ibid.

²¹ Ibid.

²² Ibid, Eng. Fayez Al Nahar..

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

numerous workshops on the new tariff system of the civil service for court officials and human resource units in government institutions and the Civil Service Department.²⁶ The research team believes that while the commitment represents a worthwhile endeavor, it will never be truly “finished” but instead requires ongoing and continuous implementation into the future. The MoPSD has taken the steps necessary to implement the commitment by incorporating the code of conduct and public code of ethics into the training programs of the public administration institute, which trains all new staff hired by the government. The research team obtained the MoPSD’s training plan for new staff, and observed that it addressed a number of training programs targeted at different groups around the country. Because the Ministry has laid the institutional infrastructure to train staff as required by the commitment, this commitment can be judged as “completed”.²⁷

In comparing the NIS with the ministry’s Executive Plan, it is found that the same timeframe is adhered to with exception of the Code of Conduct, which in the Executive Plan was intended to be ‘activated’ in the last quarter of 2014.²⁸ While the MoPSD has been active in the implementation of this commitment in 2014, as well as outside the timeframe of the commitment. Nonetheless, the implementation level is assessed as completed.

Commitment 8.4 has been assigned to the Ministry of Public Sector Development and the Civil Service Bureau. It is assumed these two institutions will not be the only responsible actors, as other agencies such as the National Training Center are assumed to have a role. Moreover, it will be the various public sector institutions’ human resources units responsible for implementation and encouragement of staff to adhere to this commitments’ stipulation.

Further amendments to the Civil Service Bylaw were passed in November 2014 as stated above. However, no specific mention was made in training employees on the concepts of national integrity, preparation of any manual, or training on modern HR practices.

As stated in the previous commitment’s analysis, a number of forms and templates have been prepared and are currently in use in the civil service. These are related to recruitment – contracts and job descriptions, and pay – bonus models and consultancies,²⁹ thus directly govern human resources work and improve the

²⁶ Ibid, Eng. Fayez Al Nahar.

²⁷ Fayrouz Bani Hamdan, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Comments on Hayat Center report on preliminary assessment of NIS* [In Arabic]. Email communication (unpublished document), June 24, 2015.

²⁸ Ibid.

²⁹ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *Policies on management and development of human resources*. Accessed February 10, 2015, <http://goo.gl/p32q9Q>.

transparency thereof as the commitment envisions. Further contributing thereto is the launch of a Human Resources Information System (HRMIS).³⁰

The Ministry has published the intent to amend the Bylaw on its website, as well as the necessity to work on the human resource capacities and defective mechanisms governing their work.³¹ However, what concrete measures are being taken to improve this is not clear. The capacity building trainings the Ministry speaks do not make specific mention of a focus on human resources,³² and are merely listed as 'goals' on the HRMIS website.³³

The Ministry of Public Sector Development has worked to issue an executive plan for projects directly falling within the scope of the National Integrity System Executive Plan, as part of the Prime Minister's requirements for each governmental agency involved therein to present an implementation plan. This has also been sent to the Royal Commission installed for these purposes. The Ministry has been fully transparent in providing a copy of this plan to the research team, with a specific month-to-month detailed listing of each commitment.³⁴ According to this plan, the timeframe for the implementation of a procedural manual is the second quarter of 2014, and includes training of human resource units through five pilot sessions in the second and fourth quarters of 2014.

Based on the answers provided by the Ministry, it has been asserted that training manuals have been issued, as well as evaluation of human resource units. It was reported that 500 copies of each document have been circulated amongst the governmental departments, and workshops have been held. Field visits have also been conducted to transfer knowledge to the HR units.³⁵ The report mentions that these visits were paid to the Ministry of Higher Education and Scientific Research, the Ministry of Energy, the Ministry of Water and Irrigation, and the Ministry of Municipal Affairs. While the commitment states that these trainings are to be conducted, and the Ministry contends this has been done through the field visits, which they consider part of the training³⁶. as the Executive Plan lists five pilot rounds of which four have been conducted. Accordingly, the commitment is assessed as being partially completed.

³⁰ The Hashemite Kingdom of Jordan, Human Resources Management Information System. *Homepage* [In Arabic]. Accessed March 15, 2015, <http://hrmis.csb.gov.jo/index.php/en/>.

³¹ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *Policies on Management and Development of Human Resources*.

³² *Ibid*.

³³ The Hashemite Kingdom of Jordan, Human Resources Management Information System. *Homepage* [In Arabic]. Accessed March 15, 2015, <http://hrmis.csb.gov.jo/index.php/en/goals>.

³⁴ Executive Plan, as sent to the research team by the Ministry of Public Sector Development.

³⁵ *Ibid*, Eng. Fayez Al Nahar.

³⁶ Fayrouz Bani Hamdan, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Comments on Hayat Center report on preliminary assessment of NIS* [In Arabic]. Email communication (unpublished document), June 24, 2015.

Simultaneously, in an achievement report, the MoPSD states that assessment of human resource units in five departments have been conducted – the MoPSD itself, the Ministry of Transport, Ministry of Tourism and Antiquities, the Department of Antiquities, and the Ministry of Environment. Observations and recommendations have been sent to the relevant authorities. While this was part of the Ministry's Executive Plan, the research team considers it commendable that specific needs were considered in the capacity building trainings, even though this was not contained within the commitment text itself.

Relating to 8.5, Article 7C was amended in the 2014 Bylaw to stipulate that the approved applications based on predetermined requirements are to be submitted to the competent authority to evaluate the applicants for leadership positions using evaluation criteria set forth in Article 8 of the Bylaw. According to the results of this evaluation, the competent authority is to send to the Prime Minister the top seven (previously 5) candidates to be selected for personal interviews. Additionally, in the 2014 Bylaw, Article 10C states that “the Cabinet is to decide the application of selection and appointment set forth in this system on any of the wholly government-owned companies for the purpose of appointment to the position of general manager to be issued on appointment from the competent authority.”

While the Bylaw lists specific procedures to be followed, these can be amended to become more specific and thus it is recommended these provisions are reviewed to ensure clarity and guidance.

Additionally, three leadership capacity building programs were implemented during the year 2014.³⁷ According to the MoPSD website, preparation and adoption of job description cards has commenced for leadership positions, in addition to adoption and implementation of the follow-up appointment to leadership positions Bylaw No. 3 for the year 2013 and its amendments.³⁸ Until 2016, thus falling within the stipulated timeframe for implementation of the commitment, the MoPSD plans to create job descriptions guide for leadership positions.³⁹ Additionally, the Ministry will design leadership capacity building training programs to prepare governmental leaders and empower the executive leadership in the government apparatus, including the levels of assistant secretaries, directors-general, directors of departments and directorates. Thus far, three programs have been implemented in 2013 and 8 programs in 2014, while 8 programs are prepared for implementation in 2015 and 8 in the year 2016.⁴⁰

³⁷ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *Management and Development of Human Resources* [In Arabic]. Accessed February 10, 2015, <http://goo.gl/p32q9Q>.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

It is worth mentioning that there are no further updates regarding the granting of adequate powers to ministries' secretaries general and directors' general. Thus the commitment is assessed as being partially completed.

Best Practices and Recommendations

There is no single guideline that provides a precedent for the government. However, the European Ombudsman Bureau and the United Nations' International Civil Service Commission's guidelines for legislation and policy provide good examples for what the Civil Service Regulation in Jordan should or could entail.

The European Ombudsman prepared the *Public service principles for the EU civil service*,⁴¹ which is the result of a consultation of the European Network of Ombudsmen, states that the 5 principles listed should provide guidance to civil service employees and help them in decrease discretionary authority; as they guide them "towards the right decision in situations where they should exercise judgment."⁴² The Ombudsman adds that these principles should not be seen as replacement of rules, but will enhance adherence, improve judgment, and act as a point of reference.⁴³

The OECD *Civil Service Legislation Checklist* can provide a useful guide to the "revisiting" of the Civil Service Regulation,⁴⁴ stating that secondary legislation, such as a regulation, should not strictly dictate behavior but set general principles and standards so as to indicate how directors should exercise their discretionary authority.⁴⁵ This checklist also prescribes the provision of legislative documents to each civil service employee "with explanatory material,"⁴⁶ as is often done by OECD Member States. A checklist with questions is provided to ensure proper internal publication is carried out.⁴⁷

The principles worked out by the European Ombudsman can act as a good point of reference during this review as well;⁴⁸

1. Commitment to the European Union and its citizens [which would be adjusted to the Kingdom/Government of Jordan and its citizens]
2. Integrity
3. Objectivity [which includes non-discrimination]

⁴¹ European Ombudsman (2012). *Public service principles for the EU civil service*. Accessed January 24, 2015. <http://www.ombudsman.europa.eu/en/resources/publicserviceprinciples.faces>, p. 1.

⁴² Ibid.

⁴³ Ibid, p. 2.

⁴⁴ Organisation for Economic Cooperation and Development (OECD). *"Civil Service Legislation Checklist on Secondary Legislation (and Other Regulatory Documents)"*. Sigma Papers 14. Accessed online January 24th 2015. <http://www.oecd.org/mena/governance/37197334.pdf>

⁴⁵ Ibid, p. 4.

⁴⁶ Ibid, p. 7.

⁴⁷ Ibid, p. 11.

⁴⁸ European Ombudsman.

4. Respect for others
5. Transparency

These principles are also among the guiding principles in the *Standards of Code of Conduct for the International Civil Service 2013*, published by the International Civil Service Commission.⁴⁹

The example of the Czech Republic shows that not carrying out revision of public administration and the civil service system, specifically in line with principles of transparency and accountability, may negatively affect Jordan and contribute to or instigate corruption. It is reported that the flawed public administration system costs the Republic, due to corruption, between 1.5 and 4 billion Euros.⁵⁰

The best practices all identify the lack of uniformity of a well-functioning civil service system. This is positive as it allows for adjustment according to local circumstances, yet can also result in ignoring of beneficial principles or clauses based on personal judgment by implementing actors. As the World Bank states “the rule of law, technical and managerial competence, reliability, predictability, accountability, transparency, and citizen’s participation are all principles that should guide public administration.”⁵¹ However, in a country where a majority of these principles are not inherent to governmental institutions, it is not advisable to leave interpretation thereof and its consequences on legislative texts up to the implementing actor.

If the OECD guidelines and EU and UN principles are adhered to, this could lead to a more accountable regulation and transparent publication thereof to civil servants affected by them.

There are two main streams of thought or models regarding best practices of Human Resource Management relevant for commitment 8.4; the *universal* and the *contingency* model. As the name implies, the prior believes in a single best practice whereas the latter believes in a less unified approach.⁵² While the latter may seem

⁴⁹ International Civil Service Commission (ICSC) (2013). *Standards of Code of Conduct for the International Civil Service 2013*. Accessed online January 24th. <http://icsc.un.org/resources/pdfs/general/standardsE.pdf>, p. 3-4.

⁵⁰ European Public Affairs. *Czech Civil Service Reform: How to Trick the EU*. Published 24 June 2013. Accessed online January 25th 2015. <http://www.europeanpublicaffairs.eu/czech-civil-service-reform-how-to-trick-the-eu/>

⁵¹ World Bank. *Civil Service Law & Employment Regimes*. Accessed online January 24th 2015. <http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1345485407865/CSLaw&EmploymentRegimes.pdf>, p. 4.

⁵² Stephen Bach (December, 2001). *HR and New Approaches to Public Sector Management: Improving HRM Capacity*. Accessed January 25th 2015. http://www.who.int/hrh/en/Improving_hrm_capacity.pdf, p. 4.

more restrictive, it poses that “HR policies [are linked] to the particular circumstances of the organization.”⁵³

Emphasis lies on “The importance of a clear vision, which reflects the overarching view of where the organization is heading, and a mission statement that puts in more concrete terms the key ideas that guide the organization have been recognized as central to establishing a strategic approach to HR.”⁵⁴ While this is written for an audience in the health sector, it is equally applicable to the GoJ.

The *Human resources development planning guide* which was produced by the Ugandan Ministry of Gender, Labour, and Social Development serves as a good example of what a training manual should entail.⁵⁵ The document takes aspects of accountability and transparency into account, with use of a feedback form and needs assessment tool amongst other documents. These are important components to assess the level of understanding and benefit gained by employees. This assessment would also assist in the further enhancement of a training manual and procedures guide.

Additionally, the Ministry of the Public Service of Lesotho published a *Human Resources Management & Development Policy Manual*⁵⁶ in partnership with GIZ (the German Society for International Cooperation), which contains all relevant policies. Noteworthy is the fact that it is written within the manual that it should be reviewed on a bi-annual basis, enhancing the accountability of the document. Additionally, each policy has a section prior to its text explaining used terms and the objectives of the policy. They are useful to take into consideration and perhaps as lessons learned.

Effects of incorporation of these practices and examples could lead to increased capability of employees in the HR units to adhere to procedures due to openness thereof, and increased and updated skills will lead to greater transparency of the institutions and the employees’ tasks and rights. Additionally, it is advised that Jordan review the listed examples and determine the applicable sections in addition to reviewing the commitment it made in 1979 to the ILO by ratifying the C-142 Law.

Research did not reveal international guidelines on appointment of higher leadership posts, as is relevant to commitment 8.5 with exception of general recommendations to adhere to the principles of transparency, fairness, and accountability.

⁵³ Ibid.

⁵⁴ Ibid, p. 6.

⁵⁵ Uganda Ministry of Gender, Labour, and Social Development (2008). *Human resources development planning guide*, accessed January 25, 2015, <http://goo.gl/WOCN1K>.

⁵⁶ Lesotho Ministry of the Public Service (2007). *Human Resources Management & Development Policy Manual*, accessed January 25, 2015, <http://www.giz.de/en/downloads/en-lesotho-human-resources-policy-manual.pdf>.

Commitment 8.6; Prime Ministry Regulatory Unit

Commitment Title:	Establishing a regulatory unit at the Prime Ministry	Number:	8.6
Implementing Actor: <i>(as in NIS)</i>	Prime Ministry	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Second Quarter 2014
Full text: <i>(as in NIS)</i>	<p>Establishing a regulatory unit at the Prime Ministry concerned with scrutinising contracts and agreements the government concludes with other parties. The unit will present its recommendations to the Council of Ministers before the deals are signed. The proposed unit will comprise experts in the technical, financial and legal aspects, who should observe the following rules:</p> <ul style="list-style-type: none"> - The language of the contract should be Arabic. In case it is not possible, the contract should be coupled with a copy of Arabic translation to be part and parcel of it. - Jordanian courts will have the exclusive jurisdiction over any differences or disputes that arise upon the implementation of the contracts or agreements whenever that is possible. - Agreements should be concluded with companies whose identities and countries are known. They should not be from countries whose laws ban disclosure of company owners' identities. 		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background and Implementation of Commitment

There is no legislation currently in place relevant to this commitment, nor are there previous efforts to develop such a structure. Additionally, there is no information to be found on the Prime Ministry or Ministry of Public Sector Development's websites regarding previous actions taken or preparations for implementation of this commitment.

Confidential communications with some employees of the ministry revealed that they had no knowledge of this commitment. In communications with journalists who requested anonymity, it appears that since 2013 there has been intent to develop this structure, but no steps have been taken for actual establishment.

Regarding the necessity of contracts being in Arabic, there was a draft law sent to Parliament in 2014 stating that the official language of Jordan in all ‘things’ should be Arabic. The draft law is not reported to make specific mention of contracts, however.¹ It is noteworthy that Article 6F of the 1986 Government Works Regulation No. 71 states that “all agreements and contractual terms in Arabic and technical specifications, drawings, reports and correspondence may be in English.”² Accordingly, the commitment is not believed to have been started.

Best Practices and Recommendations

Due to the vagueness and breadth of the commitment, it is difficult to identify related best practices. There are no specific international regulations regarding the establishment of a regulatory unit at the Prime Ministry. Due to the unknown nature of the contracts this unit is to scrutinize, best practices regarding the content (such as language) and jurisdiction over those contracts are also difficult to uncover. International institutions such as the World Bank and the International Monetary Fund do not have guidelines set for contracts with third parties. Regarding public procurement in general, however, there is a general consensus that it is important to bear in mind the principles of transparency and openness in the bidding and contracting processes.³

While there is an Agreement on Government Procurement, written by the World Trade Organization (WTO),⁴ this does not specifically relate to the components of the commitment and the rules the regulatory unit is to adhere to. It does, however, focus on transparency of procurement systems. Jordan is not party to this agreement, but is negotiating accession and currently has observer status.⁵

The Government of Canada has a specific regulation regarding the signing of contracts with governments. However, this Regulation does not make mention of specific issues which are listed in the commitment for which the “regulatory unit” is to be responsible. Meaning, there is no clause referring to the language of the contract, while Part III, Article 18-1d states that information is to be made public

¹ Petra News (March 5, 2014). *Council of Ministers approved the draft of Arabic Language Protection Law* [In Arabic]. Accessed January 20, 2015, http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=142551&CatID=13.

² The Hashemite Kingdom of Jordan, Government Works Regulation No. 71, 1986 [In Arabic]. Accessed January 27, 2015, <http://www.ltu.gov.jo/low71.aspx>.

³ Organisation for Economic Co-operation and Development (OECD) (2004). *Harmonising Donor Practices for Effective Aid Delivery, Volume 3: Strengthening Procurement Capacities in Developing Countries. DAC Guidelines and Reference Series*, accessed January 20, 2015, www.oecd.org/dataoecd/12/14/34336126.pdf, and; World Trade Organization. *WTO and government procurement*. Accessed January 27, 2015, http://www.wto.org/english/tratop_e/gproc_e/gproc_e.htm.

⁴ Ibid.

⁵ World Trade Organization. *Parties, observers, and accessions*. Accessed January 27, 2015, http://www.wto.org/english/tratop_e/gproc_e/memobs_e.htm#parties.

when contracts are made for amounts exceeding \$10,000.⁶ Even the Federal Acquisition Regulation of the United States government does not specify the presence of a regulatory unit, jurisdiction of contracts, or language regulations for contracts.⁷

Other than these, only very specific examples of policy regarding contracts with third parties are found, such as with the Public Housing sector in the United States. However, this is not deemed applicable to the content of the commitment. Nevertheless, seeing the general focus on transparency in the WTO Agreement, it is important that the GoJ adhere to this. It is recommended that the government converse with the WTO regarding the implementation of this commitment as they may be able to provide tailor-made guidance and advice to enhance the work and outcomes of the regulatory unit.

⁶ Government of Canada. *Justice Laws Website*. Accessed January 27, 2015. <http://laws-lois.justice.gc.ca/eng/regulations/sor-87-402/page-4.html#docCont>.

⁷ United States Government General Services Administration (2005). *Federal Acquisition Regulation*. Accessed January 26, 2015. <http://acquisition.gov/far/current/pdf/FAR.pdf>.

Commitment 8.7; Government Plans Follow-up Unit

Commitment Title:	Enhancing the role of the Government Plans Follow-up Unit at the Prime Ministry	Number:	8.7
Implementing Actor: <i>(as in NIS)</i>	Prime Ministry, Ministry of Planning & International Cooperation, Ministry of Finance, Ministry of Public Sector Development	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – fourth quarter 2014
Full text: <i>(as in NIS)</i>	Enhancing the role of the Government Plans Follow-up Unit at the Prime Ministry tasked with following up on the implementation of governmental mega projects within the set deadlines, ensuring integration with the Ministry of Planning and International Cooperation in following up on the executive development programme, the Ministry of Finance in scrutinising government's spending on projects and the Ministry of Public Sector Development in overseeing the performance of the public sector development, including requirements like electronic linkage, technical support and coordination.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

There is no legislation currently in place relevant to this commitment. The Government Plans Follow-Up Unit has been installed with a website. However, there has been no activity or updates posted on this website since 2012,¹ and upon verification of the website the research team discovered it was no longer in use. The unit implemented a project in 2010 in collaboration with the Ministry of Public Sector Development and the Ministry of Planning,² but no other information has been found about other achievements or projects.

Implementation of Commitment

With the last activity on the unit's website being on 2012, there is no documentation proving or indicating that there have been any efforts in implementing this

¹ The Hashemite Kingdom of Jordan, Government Plans Follow-Up Unit. Accessed February 10, 2015, <http://www.plan.gov.jo/DUProfile.aspx>.

² Ibid.

commitment during 2014. It is important to note that in recent reviewing the Government Plans Follow-Up Unit website (May 2015), it was found that it is no longer working, and merely directly opens a PDF document titled “Jordan 2025 Vision and National Strategy,” a plan released by the government in 2014. Accordingly, this commitment is assessed as not having started.

Best Practices and Recommendations

There are no guidelines for mega-project follow-up, however there is great focus on the importance of the early stages of the project planning.³ A number of common pitfalls have been identified from international experiences, one of them being ‘political discontinuity’ and as a result missed deadlines and higher costs of the project.⁴ This can be avoided through proper follow-up throughout the duration of the project implementation. Ongoing monitoring is one of the recommendations resulting from the lessons learned the article lists in the Netherlands.⁵ Thus, while installing a specific Unit is not listed as best practice nor as a solution to any pitfalls, it may help in the early identification thereof and provision of solutions.

The further points of following up on the executive development program, scrutinizing government spending on projects are regarded as part of the single act of following up and ensuring accountability.

There is consensus on the problems associated with implementation of megaprojects in many cases. This is mainly due to the scope, both financially and of the amount of stakeholders who are involved.⁶ There is also the trap of those involved not wanting to admit any flaws in the plan or implementation. As a result of this, there is greater scrutiny from governments and parliaments, such as the need to take into account the “optimism bias” in the UK, Switzerland, and Denmark and public hearings being conducted by the Commission on Infrastructure Projects in the Netherlands.⁷

Studies have shown that there is a great need and expected positive outcome of an (independent) follow-up unit, thus it is important that the GoJ takes these issues into account in the work of the Unit as well as the general planning of mega projects. Additionally, it is recommended that the unit take into serious account the importance of transparency in its work as emphasized multiple times in this report, and providing information to citizens as well as stakeholder engagement in the follow-up process.

³ Hugo Priemus (2010). “Decision-making on Mega-projects: Drifting on Political Discontinuity and Market Dynamics.” *European Journal of Transport and Infrastructure Research*, 10:1, p. 19.

⁴ Ibid, p. 27.

⁵ Ibid.

⁶ Bent Flyvbjerg (2014). "What You Should Know about Megaprojects and Why: An Overview," *Project Management Journal*, vol. 45, no. 2, April-May, p. 8.

⁷ Ibid, 21.

Commitment 8.8; National Dialogue Forum

Commitment Title:	Launching a national dialogue forum	Number:	8.8
Implementing Actor: <i>(as in NIS)</i>	Ministry of Political and Parliamentary Affairs, Ministry of Public Sector Development	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – continuous
Full text: <i>(as in NIS)</i>	Launching the national dialogue forum to activate public participation in drawing public policies.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

There is no legislative framework relevant to this commitment. However, the National Agenda published in 2005 and applicable to the years 2005-2016 has as one of its goals to “Enhance public participation in the decision-making process and strengthen the role of civil society institutions.”¹ It does not seem, however, that many efforts have been made in the implementation of this goal as part of the national agenda, as can also be seen below.

Implementation of Commitment

A guide was issued in late 2013² to promote a participatory approach in strategic planning processes in governmental departments. This aims to ensure a constant level in the work of institutions and building institutional and functional capacity in this area. While the guide states implementation is to start in 2014, no adequate information has been found regarding this, other than what media has reported on. For example, it has been dispatched that the Prime Minister has circulated a “guide to strengthen the participatory approach in strategic planning” amongst ministries, and governmental institutions and departments. This guide was reportedly prepared by the MoPSD in consultation with experts from the public sector. Additionally, a statement by the Minister of the MoPSD was released, saying that the

¹ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation, *2006-2015 National Agenda*. Accessed February 10, 2015, <http://inform.gov.jo/en-us/By-Date/Report-Details/ArticleId/5/2006-2015-National-Agenda>.

² The Hashemite Kingdom of Jordan, Ministry of Public Sector Development, (November 3, 2013). *Participatory Approach Guide to the Strategic Plan* [In Arabic]. Accessed February 10, 2015, <http://goo.gl/e5hKKa>.

project of strengthening the participatory approach is part of the executive plan for the development of the government apparatus performance program 2014-2016 within the aspect of supporting the process of public policy and decision-making, and that the ministry will hold awareness workshops to introduce the concept and its applications.³

The above referenced guide does not make specific mention of a national dialogue forum or the establishment thereof, while it does include community and stakeholder meetings. In interview consultations with CSOs, stakeholders expressed that they would value such dialogue but emphasized the need to ensure it is not just held in Amman but also in the Kingdom's other governorates.⁴ To ensure this participation, stakeholders suggested establishing a website. Also expressed was the need for timely publication of sessions so participants can prepare and actually be active participants instead of merely listeners; the government must take all opinions into account and not merely those that appeal to them. Such dialogues, however, especially if organized in communication with civil society organizations, are viewed to enhance the government's credibility.⁵ These issues were supported by another interviewee, specifically the need for advance notice to allow citizens to prepare for sessions, independency of the forum, and cooperation of citizens in decision-making. The role of civil society in this was defined as monitoring the forum's performance and ensuring that they are conform best practices.⁶

As it is unclear in the commitment what specifically is intended by "the national dialogue forum," it is difficult to assess if these meetings would constitute implementation of the commitment. It is worth mentioning, however, that the MoPSD website does make mention of a 'Government Leadership Forum'⁷ and it having convened five times. There is no mention of public participation in these forums, however, and stakeholders testified that they had not been approached in these activities.

Nonetheless, during a workshop held by the MoPSD on November 25, 2015 to discuss the King's discussion papers regarding developing governmental work approaches and public sector reform, the Minister spoke to the media stating otherwise. Minister Al Khawaldeh explained that the participatory approach has been developed and forums of governmental leaderships and public policy have

³ Al Dustour (March 9, 2014). *Prime Minister circulates the "Guide to strengthen the participatory approach in strategic planning" amongst governmental institutions* [In Arabic]. Accessed February 10, 2015, <http://goo.gl/bELQkE>.

⁴ Hassan Al-Khazaleh, Director, AFAQ, Mafraq. Phone interview, May 13, 2015.

⁵ Alaa' al-Sawa'i, Citizen, Ajloun governorate. Phone interview, May 13, 2015.

⁶ Rawan al-Jayousi, Director, "Radio al-Balad". Phone interview, May 13, 2015.

⁷ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *Government Leaders Forum*. Accessed February 10, 2015. <http://goo.gl/YdtWJW>.

been formed.⁸ He also spoke about a Network Dialogue Forum⁹ during a press conference, in cooperation and coordination with the Ministry of Political and Parliamentary Affairs. This aims to reach decisions based on participation through providing a suitable environment for dialogue and consultation with parties, trade unions, civil society organizations, and the media regarding public policies.¹⁰

Considering the above, and the fact that the National Dialogue Forum has not yet been launched, the commitment is assessed as not having started.

Best Practices and Recommendations

Best practices regarding public participation dictate that citizens should be included from an early phase and on a regular basis, there should be clear understanding of topics and respect for differing values shared, relevant information should be provided to participants/stakeholders, and a neutral person/party should be responsible for facilitation.¹¹ In the outcomes of the sessions, the same principle of information sharing should be adhered to, in addition to high-level involvement in the actual decision-making.¹²

Composition of those included in the process should take care to be as inclusive as possible, “The participation or defense of the interests of less represented groups including indigenous peoples, women, children, elderly and poor people should be encouraged.”¹³

To adhere to best practices and fully benefit from public participation in the decision-making process, it is important to identify objectives and goals and include all relevant stakeholders groups in the exploration of their values regarding the discussed policy.¹⁴ With suggested policies being discussed by groups of policy-makers and returning the findings of such a discussion to another group of citizens, the largest amount of public participation in the process is achieved.¹⁵ It is recommended the government take this into account in the launching of the forum, as well as incorporation of minority groups.

⁸ Petra News Agency (November 25, 2014). *Prime Minister: King's Discussion Papers form the conviction that the exchange of ideas is democratic* [In Arabic]. Accessed February 10, 2015, http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=173761.

⁹ Al Rai (February 20, 2014). *Khawaldeh: We are studying institutional integration “government unit budgets”* [In Arabic]. Accessed February 10, 2015, <http://www.alrai.com/article/633065.html>.

¹⁰ Petra News Agency (May 21, 2014). *Khawaldeh Presents Aspect of Public Sector Development in Government Program* [In Arabic]. Accessed February 10, 2015, http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=1&site_id=2&NewsID=111686&Type=P.

¹¹ P. André, B. Enserink, D. Connor and P. Croal (2006) *Public Participation International Best Practice Principles. Special Publication Series No. 4*. Fargo, USA: International Association for Impact Assessment, p. 2-3.

¹² Ibid, p. 3.

¹³ Ibid, p. 2.

¹⁴ Ortwin Renn (1993). “Public participation in decision making: A three-step procedure.” *Policy Sciences*, 26:3, p. 190.

¹⁵ Ibid, p. 190-2.

In Saudi Arabia, the King Abdulaziz Center for National Dialogue was founded in 2003 as a result of petitions submitted to the Kingdom.¹⁶ This Center is responsible for “spreading the culture of dialogue” and holds sessions with participants from various levels of society.¹⁷ It is important to note that the Center does not adhere to all principles of best practices of public participation, as it excludes segments of the population; it is confined to the “intellectual elite.”¹⁸ However, the accompanying informal discussions during breaks of the facilitated sessions are “reflected in societal debate relating to issues such as tribalism, human rights, discrimination, employment opportunities – or lack of – decision making and power sharing.”¹⁹ This proves that even when the goal of a forum is not policy making or best practices are not (all) adhered to, such a forum may still have an indirect positive effect.

Allowing stakeholders to contribute input to the policies that affect them would greatly enhance the accountability of the Government of Jordan in the formulation of policies and possibly affect citizen satisfaction in a positive way. Nonetheless, there is a clear assumption that policy-makers will take into account the views of stakeholder groups, and it assumes citizens will have enough knowledge of the issues at hand. This may not be the case in Jordan, depending on the citizens who will be selected. It also assumes that the two groups will be composed of different participants, while the commitment does not lead to the conclusion that this is envisioned by the implementing actors.

¹⁶ Thompson, M. (2011). “Assessing the Impact of Saudi Arabia’s National Dialogue: The Controversial Case of the Cultural Discourse.” *Journal of Arabian Studies*, 1.2, p.164.

¹⁷ Ibid, p. 164.

¹⁸ Ibid, p.167.

¹⁹ Ibid, p.1

Commitments 9.1, 9.2, 9.3; Good Governance

Commitment Title:	Applying the principles of good governance in the public sector, as well as in the private sector and civil society organisations	Number:	9.1
Implementing Actor: <i>(as in NIS)</i>	Ministry of Public Sector Development, all concerned government agencies	Timeline: <i>(as in NIS)</i>	First quarter 2014- fourth quarter 2016
Full text: <i>(as in NIS)</i>	Applying the principles of good governance in the public sector, as well as in the private sector and civil society organisations.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Adopting principles of good governance in legislation	Number:	9.2
Implementing Actor: <i>(as in NIS)</i>	Ministry of Public Sector Development, All concerned government agencies.	Timeline: <i>(as in NIS)</i>	First quarter 2014-fourth quarter 2016
Full text: <i>(as in NIS)</i>	Drafting and adopting policies and programmes of good governance and embedding them in relevant legislation to bridge the gap in this area.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Disseminating a culture of good governance	Number:	9.3
Implementing Actor: <i>(as in NIS)</i>	Ministry of Public Sector Development, All concerned government agencies.	Timeline: <i>(as in NIS)</i>	First quarter 2014-fourth quarter 2016
Full text: <i>(as in NIS)</i>	Disseminating a societal and institutional culture of good governance via all possible means of communication between		

	society and institutions.
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SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

These three commitments are statements of principles regarding how different actors should operate and do not include any practical actions or any guidance to the responsible groups. The action of “applying the principles of good governance” is open to an unlimited number of interpretations because the term “good governance” is a broad and open concept.¹ Furthermore, the idea of “applying” principles does not entail any concrete actions. These commitments are part of the 15 NIS commitments chosen for Jordan’s 2nd National Action Plan for its participation in the Open Government Partnership.²

The overarching concept of “good governance” is often used in discussions of political reform in Jordan when referring to broad principles. “Good governance” is included as one of the objectives of the 2006-2015 National Agenda³ and is mentioned in His Majesty King Abdullah’s 3rd and 4th Discussion Papers on reform in Jordan in March 2013 and June 2013 respectively.⁴ In these contexts, the term good governance is used as a guiding principle to express the belief that improved government processes can lead to better inclusion, representation, and development outcomes for citizens. Research did not reveal any efforts by government bodies to provide a practical definition of good governance applicable to all government agencies.

Implementation of Commitment

¹ United Nations Economic Commission for Africa (UNECA). *The Role of Parliament in Promoting Good Governance*, accessed March 1, 2015, <http://www.uneca.org/sites/default/files/publications/role-of-parliament-in-promoting-good-governance.pdf>, p. 8

² Hashemite Kingdom of Jordan (April 2012). *Second National Action Plan 2014-16*. Accessed December 10, 2014, <http://www.opengovpartnership.org/country/jordan/action-plan>.

³ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation (October 2005). *2006 – 2015 National Agenda*. Accessed March 1, 2015, <http://inform.gov.jo/en-us/By-Date/Report-Details/ArticleId/5/2006-2015-National-Agenda>.

⁴ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II Ibn Al Hussein (March 2, 2013). *Each Playing Our Part in a New Democracy* [In Arabic], accessed March 16, 2015, http://kingabdullah.jo/index.php/ar_JO/pages/view/id/251.html; and The Hashemite Kingdom of Jordan, His Majesty King Abdullah II Ibn Al Hussein (September 13, 2014). *Goals, Achievements and conventions: Pillars for Deepening Our Democratic Transition* [In Arabic], accessed March 16, 2015, http://kingabdullah.jo/index.php/ar_JO/pages/view/id/255.html.

According to the Ministry of Public Sector Development, since the publication of the NIS plan, the Ministry has been working to monitor, evaluate, and support the implementation of the plan throughout the government. This work has included compiling an action plan to ensure implementation of all commitments, and following up with different sectors of the government to ensure this.⁵ The specific efforts being taken by the MoPSD for each commitment are addressed throughout this report, embedded in the relevant sections. It is important to note, however, that the Minister mentioned that the Ministry's efforts were all meant to strengthen the quality of governance in the various departments, and that the principles of "integrity, transparency, and justice" along with "good governance" were guiding principles for reform,⁶ as discussed above. Statements such as this support the spirit of these commitments, however, it is hard to assess if such a statement has an impact on the process.

According to the Ministry of Public Sector Development, it has been taking additional efforts that strengthen the quality of governance in the public sector. In August 2014, the Ministry created and published a Guide to Governance in the Public Sector, a handbook for public sector employees that stressed the importance of integrity, transparency, ethical values, and partnership for capacity building and leadership. The guide is also meant to improve accountability for government actors, and to ensure that power is exercised with fairness, justice, and integrity.⁷ According to the Ministry, the guide was distributed to all government agencies and institutions, and was accompanied by a number of workshops with government employees to make them aware of the guide and its content. In communications with several officials in different ministries it was confirmed by most that they had received and viewed this guide.⁸

As stated by the Ministry, it has now begun a program to evaluating the practices of different government sectors, beginning recently with the water sector including the Ministry of Water, the Water Authority, and the Jordan Valley Authority.⁹ Research did not uncover any specific evidence about programs designed to implement Commitment 9.2 (Good governance in legislation). Given how broad this commitment is, any number of legislative actions could be interpreted as fulfilling it.

⁵ Al Dustour (August 17, 2014). *Al Khawaldeh: The Amended Law for the Public Administrative Structure will Cancel Some Organizations and Compine Others in Order to Conserve Money* [In Arabic], accessed December 23, 2015, <http://goo.gl/ULkNU0>.

⁶ Ibid.

⁷ Petra News (August 11, 2014). *Distribution of Good Practices guide in the Public Sector to Government Agencies* [In Arabic], accessed March 3, 2015, http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=161074&CatID=13

⁸ Consultation with government officials in the Social Security Administration, the Greater Amman Municipality, and the Ministry of Municipalities, April 4-5, 2015.

⁹ Eng. Fayez Al Nahar, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Workflow Matrix for National Integrity System projects with implementation responsibility at the Ministry of Public Sector Development* [In Arabic]. Email communication (unpublished document), March 15, 2015.

Upon review of the MoPSD Executive Plan, the research team found that for the three commitments, only three measures were found to achieve good governance in the public sector, namely; preparation of a guide in the third quarter of 2014; awareness and training in the last quarter of 2014 and the first quarter of 2015; and an annual report regarding the application of good governance in the government for the years 2015 and 2016. Some of these measures are broadly interpretable – such as awareness and training, and is not in sync with the NIS commitment as well as not mentioned therein. This further supports the research team’s opinion of the lack of specificity of the commitments, lack of being realistic as well as measurable, in addition to the broad identification of implementing actors leading to questionability of its actual implement ability.

As a result of these obstacles, and taking into account the MoPSD’s responsibility as well as the fact that other commitments of the NIS may contribute to achieving commitments 9.1-3, the overall implementation level hereof is limited. It is recommended that the MoPSD reconsider the steps set in their plans in response to this commitment especially taking into account the interests of Jordanian citizens in 9.3. One way of doing this could be for the Ministry to put forward a set of the most bold steps, and contribute to the principle of good governance in the public, private, and civil society sectors. Additionally, it is recommended that the Ministry take into consideration local communities and CSOs’ views and integrate these into future steps.

Best Practices and Recommendations

Good governance is a broad concept that has to do with improving the way decisions are made in a given society. In the past two decades, an increasing number of governments, NGOs, and international organizations have been using the term in describing the need for improved government performance, but it is important to realize that this is a general principle, and not a precisely defined concept.¹⁰ As the *United Nations Economic Commission for Africa (UNECA)* writes, “Given the fact that the term good governance can be focused on any form of governance, aid organizations, development agencies and partners, and the authorities of developed countries often focus the meaning of good governance to a set of requirement that conform to their agenda, making the notion of good governance imply many different things in many different contexts.”¹¹

There are many definitions of what principles may be enshrined in good governance,¹² one of the most commonly used definitions states a system with good

¹⁰ Rachel Gisselquist. *Good Governance as a Concept, and Why This Matters for Development Policy*. Accessed March 15, 2015, http://www.wider.unu.edu/publications/working-papers/2012/en_GB/wp2012-030/.

¹¹ United Nations Economic Commission for Africa (UNECA). *The Role of Parliament in Promoting Good Governance*, accessed March 10, 2015, <http://www.uneca.org/sites/default/files/publications/role-of-parliament-in-promoting-good-governance.pdf> p. 8.

¹² Rachel Gisselquist.

governance embodies the following attributes; participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and following the rule of law.¹³ These principles can be useful to governments that are looking to construct reform initiatives and follow the guidelines of good governance.

As the office of the *United Nations High Commissioner for Refugees (UNHCR)* has written, the flexibility of the term makes it easy to accept and use, but it is so flexible that it does not provide guidance at the practical level.¹⁴

A number of international organizations have discussed how legislatures can play a role in good governance. According to UNECA, parliaments can engage in good governance by creating laws that reflect the will of the constituents. The legislation should be done through a process that is representative, so that people's priorities can be translated into law. To do this, parliaments and MPs need to be representative of all their constituents equally along different axes, including those of geography, ethnicity, age, income, and gender.¹⁵ Civil Society, which can play a vital role linking citizens to their legislatures, can have an important role in this process.¹⁶

In the case of Jordan, when legislators and government agencies are forming laws, keeping the principles of good governance in mind can help lead to improved outcomes for the Jordanian people. At the same time, future reform efforts may want to use this idea as a guiding principle for more concrete and specific commitments.

With respect to “disseminating” the ideals of good governance, there are many options for a government looking to spread awareness and acceptance of these values amongst its citizens. Governments can communicate with the public through traditional media outlets or through their own websites and sources of publicity. They can also engage citizens in person through forums or stakeholder meetings, as the Jordanian government has done at times, for example, in the consultations leading to the creation of the NIS. Governments can sponsor open days or other events where citizens can speak to government officials in person, which can help

¹³ United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP). *What is Good Governance?*, accessed March 10, 2015 <http://www.unescap.org/sites/default/files/good-governance.pdf>.

¹⁴ Office of the United Nations High Commissioner for Human Rights (UNHCR). *Good Governance and Human Rights*, accessed March 16, 2015. <http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx>

¹⁵ UNECA, p. 9.

¹⁶ Overseas Development Institute (ODI) (2008). *Promoting Good Governance through Civil Society-Legislator Linkages*, accessed March 14, 2015, http://c.ymcdn.com/sites/www.istr.org/resource/resmgr/working_papers_barcelona/jones.tembo.pdf, p. 3.

improve the quality of citizen-government interaction.¹⁷ In these efforts, the most effective ones would be those that have a broad reach in terms of geography, ethnicity, economic class, and gender.

For the National Integrity System to have maximum impact, it should contain principles clear goals that are possible to implement. Especially in the Executive Plan, it should have commitments with SMART attributes that can be attributed to specific actors, completed in a specific timeframe, and be measured and evaluated. Principles such as “good governance” should be guiding principles, and used to form commitments that are more specific and actionable.

¹⁷ United Nations Development Programme (UNDP) (August 2013). *Increasing citizen’s engagement by using social innovation and social media to enhance government’s transparency and accountability*, accessed March 17, 2015, <http://www.me.undp.org/content/dam/montenegro/docs/projectdocs/dg/Twitter/ProDoc%20Citizen%20Engagement%20ENG%20web.pdf>, p.3

Commitments 10.1, 10.2; Investment

Commitment Title:	Giving an urgency status to pass draft laws pertaining to investment	Number:	10.1
Implementing Actor: <i>(as in NIS)</i>	Parliament, Prime Ministry	Timeline: <i>(as in NIS)</i>	First quarter 2014 – fourth quarter 2014
Full text: <i>(as in NIS)</i>	Giving an urgency status to pass draft laws pertaining to investment (the Draft Law on Partnership with the Private Sector, the Investment Draft law) in coordination with Parliament.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Unifying standards to attract investment companies with the aim of reducing discretionary authority	Number:	10.2
Implementing Actor: <i>(as in NIS)</i>	Agencies concerned with investment	Timeline: <i>(as in NIS)</i>	First quarter 2014 – fourth quarter 2014
Full text: <i>(as in NIS)</i>	Unifying standards to attract investment companies with the aim of reducing discretionary authority.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

While privatization in Jordan commenced in 1989, there seems to be a lack of a legislative framework in place regarding this until the Privatization Law No. 25 of 2000.¹ Drafting of the Partnership with the Private Sector Law, commenced in 2010

¹ The Hashemite Kingdom of Jordan, Privatization Law [In Arabic] No. 25, 2000. Official Gazette 4443, July 2, 2000.

by the Executive Privatization Committee,² eventually leading up to approval in 2014, as explained below.

The 1995 Investment Promotion Law No. 16³ established the Investment Promotion Foundation in Article 13, the legal personality and with financial and administrative independence responsible for all legal actions relating to investment promotion. This law was amended in 2000,⁴ and in 2003 Temporary Investment Promotion Law No. 67⁵ was issued, canceling the 1995 law, and established the Investment Promotion Foundation. This was directly connected to the Ministry of Trade and Industry, and has financial and administrative autonomy and the right to own mobile and real estate property, as well as complete legal freedom to achieve its goals. This includes drafting contracts, accepting donations and aid, and independent budgets for transferred funds. According to Article 17 of the law, the Foundation encourages investment and is the legal and de facto successor of the Jordan Investment Board established by the 1995 Law.

In 2008, the Development and Free Zone Authority was established according to Article 6 of the Development and Free Zones Law,⁶ which states the foundation is to be connected to the Prime Minister, and was responsible for establishment, organization and management of these areas.⁷ In 2010, the Amended Development and Free Zones Law was issued.⁸

Implementation of Commitment

The Investment Law No. 30 of 2014⁹ and the Partnership With the Private Sector Law No. 31 of 2014¹⁰ were both enacted in October and November 2014 respectively, while they had been received by the Parliament as early as May 2013 (Investment Law) and March 2014 (Partnership Law). Thus both laws were passed within the timeline outlined in the NIS plan. However, due to the late stage of

² Ain News (July 5, 2010). *The private sector suggests amendments to the Partnership with the Public Sector Law* [In Arabic]. Accessed February 13, 2015, <http://ainnews.net/?p=13186>.

³ The Hashemite Kingdom of Jordan, Investment Promotion Law [In Arabic] No. 16, 1995. Official Gazette 4075, October 16, 1995.

⁴ The Hashemite Kingdom of Jordan, Amendment to the Investment Promotion Law [In Arabic] No. 13, 2000. Official Gazette 4423, April 2, 2000.

⁵ The Hashemite Kingdom of Jordan, Temporary Investment Promotion Law [In Arabic] No. 67, 2003. Official Gazette 4606, June 16, 2003.

⁶ The Hashemite Kingdom of Jordan, Development and Free Zones Law [In Arabic] No. 2, 2008. Official Gazette 4885, February 17, 2008.

⁷ The Hashemite Kingdom of Jordan, Development and Free Zones Commission. *About the Development and Free Zones* [In Arabic]. Accessed February 23, 2015, <http://6days-jo.com/hay2a/ar/module.php?type=cont&id=4>.

⁸ The Hashemite Kingdom of Jordan, Amended Development and Free Zones Law [In Arabic] No. 38, 2010. Official Gazette 5062, November 1, 2008.

⁹ The Hashemite Kingdom of Jordan, Investment Law [In Arabic] No. 30, 2014. Official Gazette 5308, October 16, 2014

¹⁰ The Hashemite Kingdom of Jordan, Partnership With the Private Sector Law [In Arabic] No. 31, 2014. Official Gazette 5310, November 2, 2014

enactment, and - specifically regarding to the Investment Law - the longevity of its accessibility to the Parliament, it seems there was no urgency applied to their passing. This is confirmed by parliamentary journalists, stating that while there was verbal agreement on urgency applied to the Investment Law, no written request was put forth requesting urgency status.¹¹ However, as these two laws have been revisited – regardless of the urgency applied thereto, commitment 10.1 is considered completed.

Both laws provide standards for attracting investment, and thereby reduce the possibility of discretionary authority being able to be applied. Due to the new passing and implementation of these laws, however, the actual effect thereof and the degree to which they are unified standards remains to be seen.

In Article 7 of the Partnership With the Private Sector Law No. 31 of 2014 a specialized unit - the Partnership Unit in the Ministry of Finance, was assigned to coordinate with the private sector in the implementation of investment projects, especially with regards to the need for an agreement between the public and private sectors to move forward, correct the mistakes of the past, and rectify these to be more efficient. Ultimately the government will adopt the appropriate resolution that serves public interest.¹² In accordance with Article 5, the Partnership Council Between the Public and Private Sector was formed, headed by the Prime Minister and public policy-making regarding projects between the public and private sector and the identification of priority activities and sectors. It also charged with making decisions regarding partnership projects before they are presented to the Cabinet for approval, amongst other tasks.

During 2014, the Restructuring Institutions and Government Departments Law No. 17 was passed.¹³ Article 4a of the law stipulates that the Development Zones and Free Zones Authority is to be renamed as the Investment Authority, and linked to the Ministry of Industry and Trade and shuts down the Investment Promotion Foundation which was established by the Temporary Investment Promotion Law No. 67 of 2013, and transferred its functions, powers, funds, rights and assets to Investment Authority as legal and de facto successor (4b). Additionally, functions related to the promotion of exports and organizing expeditions were transferred to the Jordanian Enterprise Development Corporation (JEDCO) as per Article 4c.

The invitees to the stakeholder meeting with the Private Sector were not aware of this coordination, as they were not approached. Additionally, there was a unanimous discontent regarding the type of cooperation and coordination there is

¹¹ Mustafa Riyalat, journalist. Personal interview, March 2, 2015.

¹² Petra News Agency (May 5, 2014). *Angry manufacturers to impose service fees on exempted goods* [In Arabic]. Accessed February 13, 2015, http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=151978&CatID=15&Type=Home>ype=1.

¹³ The Hashemite Kingdom of Jordan, Restructuring Institutions and Government Departments Law [In Arabic] No. 17, 2014. Official Gazette 5283, April 30, 2014.

at present between the public and private sectors. Nonetheless, the stakeholders expressed the necessity of such unifying standards providing a multitude of examples of when they were personally confronted with discretionary authority.¹⁴

Taking into account the above legal framework, the research team considers the application and procedures to work towards unifying standards, while they could be further clarified, leading to assessment of partial completion of the commitment.

Best Practices and Recommendations

There are no all-encompassing guidelines for public sector institutions attracting investment companies. The Global Investment Performance Standards (GIPS)¹⁵ relate mostly to how firms can compete on a global scale, thus have no relevance to public sector attraction of investment. Additionally, the authoring CFA Institute focuses more on the influence private investors can have on public policy than vice versa; “investors have played a constructive and effective role in policy debates on issues such as corporate governance, climate change and financial regulation.”¹⁶ This document does note the importance of interaction and therefore underlines the need for interaction between the two actors/sectors, as it states that it “support[s] the stability of financial markets as well as the long-term sustainability of social, environmental and economic systems.”¹⁷

However, this does not directly relate to the commitment as it merely states the wish to attract investment companies, without detailing the purpose thereof. Such detailing seems to be lacking in best practice documents overall, where measures to ensure solid public-private partnerships are outlined but not the measures thereof.

Nonetheless, it is asserted that the need for a solid legislative framework seems to be the single most effective tool in combating the use of discretionary authority and broader corruption. This is a direct side-effect of the legislative framework and policies enabling the definition of specific roles and responsibilities for relevant authorities.¹⁸ The United States National Council for Public-Private Partnerships underscores this in its second key to a successful partnership, stating that “There should be a statutory foundation for the implementation of each partnership. Transparency and a competitive proposal process should be delineated in this

¹⁴ Private Sector Stakeholder meeting with the research team. Amman, March 24th 2015.

¹⁵ CFA Institute (2010). *Global Investment Performance Standards*, accessed February 10, 2015, <http://www.cfapubs.org/doi/pdf/10.2469/ccb.v2010.n5.1>.

¹⁶ Principles for Responsible Investment (2014). *Policy Frameworks for Long-Term Responsible Investment, The Case for Investor Engagement in Public Policy*, accessed February 10, 2015, http://2xjmlj8428u1a2k5o34l1m71.wpengine.netdna-cdn.com/wp-content/uploads/PRI_Case-for-Investor-Engagement.pdf, p. 6.

¹⁷ Ibid, p. 21.

¹⁸ World Bank (2005). *Public Service Delivery, Public Sector Governance and Accountability Series (ed. Anwar Shah)*, accessed February 3, 2015, <http://siteresources.worldbank.org/PSGLP/Resources/PublicServiceDelivery.pdf>, p. 67-8.

statute.”¹⁹ The need for such transparency reaches further, where there is also “the need for fairness and transparency in government procurement.”²⁰

Thus such transparency is a factor which the GoJ should take into account in developing the unified standards the commitment speaks of, and the need for such a standard has been underscored. The government should be encouraged in their intent to do so by the above referenced, and seek broader guidance on how to ensure a solid legal or policy framework is in place. Such guidance can be sought from other governmental institutions or private sector actors with experience in the field of standards. It has been proven that this by itself will have the effect of reducing discretionary authority in the attraction of investment companies. However, the government should also start a serious discussion with the private sector in Jordan to study their challenges and concerns and their opinion about the proper standards to attract investment companies with the aim of reducing discretionary authority.

¹⁹ National Council for Public-Private Partnerships. *7 Keys to Success*. Accessed February 10, 2015, <http://www.ncppp.org/ppp-basics/7-keys/>.

²⁰ Foster Infrastructure. *Best Practice in Design of PPPs for Social Infrastructure*, accessed February 10, 2015, <http://www.apec.org.au/docs/Best%20practice%20in%20design%20for%20social%20infrastructure%20PPPs.pdf>, p. 4.

Commitments 10.3, 10.5; Private and Public Sector Partnerships

Commitment Title:	Establishing priority joint ventures to enhance participation between the private & public sectors	Number:	10.3
Implementing Actor: <i>(as in NIS)</i>	Agencies concerned with investment in coordination with the private sector	Timeline: <i>(as in NIS)</i>	First quarter 2015 – fourth quarter 2017
Full text: <i>(as in NIS)</i>	Establishing joint ventures in certain sectors that have priority, so that they contribute to entrenching the participatory culture between the private & public sectors (pilot project).		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear <input checked="" type="checkbox"/> **Not included in final assessment because timeframe has not yet started**

Commitment Title:	Developing a mechanism that ensures private sector's participation in drawing public policies pertaining to investment	Number:	10.5
Implementing Actor: <i>(as in NIS)</i>	Ministry of Industry and Trade	Timeline: <i>(as in NIS)</i>	First quarter 2014 – continuous
Full text: <i>(as in NIS)</i>	Developing a mechanism that ensures private sector's participation in drawing public policies pertaining to investment.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Until 2008, the Privatization Law No. 25 of 2000¹ was the framework commanding joint ventures, with the last privatization being in the same year. However, the

¹ The Hashemite Kingdom of Jordan, Privatization Law [In Arabic]No. 25, 2000. Official Gazette 4443, July 2,2000.

privatization process proved to be controversial and labeled as mostly corrupt by the public after rumors arose, which further weakened the public's trust of the government.²

The drafting of the Partnership with the Private Sectors Law (passed in 2014) commenced in 2010 by the Executive Privatization Committee as a natural transition from the privatization to the participatory process as many case studies prove its efficiency.³

The USAID/Jordan Fiscal Reform Bridge Activity (JFRBA) consists of a 10-month program that delivers technical assistance to Jordan in the areas of economic policy formulation, budget management and tax administration. JFRBA focuses on select fiscal areas of the Fiscal Reform Project II (FRP II), implemented between 2009-2014. The JFRBA adheres to the objectives of FRP II, namely stronger public financial management, monitoring of government policies and activities, effective analysis related to policy, customs and trade facilitation, results oriented budgeting, better revenue administration including tax administration reform, and support of public-private partnerships (PPP).⁴

The World Bank reported that during implementation of its country assistance strategy for Jordan, a number of successful efforts in privatization had been conducted, paving the way for future PPPs; “Jordan is now transitioning into promotion and identification of public-private partnerships.”⁵ Additionally, they state that “a number of PPPs have already been signed with the hospitality service sector, telecommunications, pharmaceutical and automotive industries.”⁶ The World Bank argues that projects within the Employment, Technical and Vocational Education Training (E-TVET) sphere are more difficult, due to a larger number of institutions – both private and public – that are involved.⁷ Thus, it seems that these sectors would be more likely to be considered as ‘priority’ within the commitment, as joint ventures seem to have been undertaken already in the other listed sectors.

The research team excluded commitment 10.3 from the assessment of level of implementation, taking into account the timeframe stipulated falling outside the scope of this report, which is limited to 2014 only. As for 10.5, implementation is

² Al Ghad (March 31, 2014). *Report: Royal Jordanian is better in terms of standards of transparency and Phosphate Company Worse* [In Arabic]. Accessed February 13, 2015, <http://goo.gl/KshzRY>.

³ Ain News (July 5, 2010). *The private sector suggests amendments to the Partnership with the Public Sector Law* [In Arabic]. Accessed February 13, 2015, <http://ainnews.net/?p=13186>.

⁴ United States Agency for International Development (USAID) (October 1, 2014). *Performance Evaluation of the USAID/Jordan Fiscal Reform Project II (FRP II)*, accessed December 20, 2014, http://pdf.usaid.gov/pdf_docs/PA00K5PG.pdf.

⁵ International Bank for Reconstruction and Development and International Finance Corporation (2012). *Country Partnership Strategy for the Hashemite Kingdom of Jordan for the Period FY12-FY15*, accessed February 14, 2015, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/02/07/000350881_20120207093321/Rendered/PDF/581140CAS0revi0Official0Use0Only090.pdf, p. 49.

⁶ Ibid, p. 53.

⁷ Ibid.

viewed as being limited due to the only method to ensure participation is through the Partnership Unit. The establishment thereof was very recent, thus further time for analysis of the actual level of inclusion in public policy making regarding investment is required to unequivocally assess its functioning and thereby completion of the commitment.

Implementation of Commitment

The Partnership with the Private Sectors Law No. 31 of 2014⁸ was passed by majority vote amongst wide disagreement and a controversial session as most MPs labeled the law as a window for government corruption.⁹ The Law established the Partnership Council Between the Public and Private Sector, headed by the Prime Minister and with membership of the Ministers of Finance; Industry, Trade and Production; and Planning and International Cooperation, the Governor of the Central Bank of Jordan and the Director of the Partnership Council.

According to Article 6, the Council is charged with public policy-making regarding projects between the public and private sector and the identification of priority activities and sectors. It also charged with making decisions regarding partnership projects before they are presented to the Cabinet for approval and with the final approval for the offer of a partnership and the adoption of the winning bid. As mentioned in the analysis of commitments 10.1 and 2, according to Article 7 of the same law a specialized unit - the Partnership Unit in the Ministry of Finance, was assigned to coordinate with the private sector in the implementation of investment projects, especially with regards to the need for an agreement between the public and private sectors to move forward, correct the mistakes of the past, and rectify these to be more efficient.

We would like to draw attention to the fact that one of the Council's functions, as prescribed in the law, is "to adhere to disclosure standards in accordance with international best practices." The research team considers this a commendable step towards the standards of open government. Nonetheless, the article is not formulated in a solid manner nor does it clearly stipulate the standards or methods of disclosure. The Council has only been installed for a short period of time, and the research team could not verify actual carrying out of this role.

The Investment Commission, Governorates Development Fund, and Ministry of Planning are working to establish joint ventures in certain priority sectors that contribute to solidifying a culture of cooperation.¹⁰ The Ministry of Planning in particular sometimes solicits international funding for these projects.

⁸ The Hashemite Kingdom of Jordan, Partnership with the Private Sectors Law [In Arabic]No. 31, 2014. Official Gazette 5310, November 2, 2014.

⁹ All of Jordan News (July 9, 2014). *Majority of MPs vote in favor of the Partnership with Private Sector Law* [In Arabic]. Accessed February 14, 2015, <http://www.allofjo.net/index.php?page=article&id=73313>.

¹⁰ Al Dustour (November 3, 2014). *Board of the Public and Private sector Partnership Council is formed* [In Arabic]. Accessed February 15, 2015, <http://goo.gl/tXUgzB>.

Several speeches, such as the Royal Throne speech and those orated during Budget discussions have called for serious work in bridging the gap between the two sectors and increasing cooperation in investment.¹¹ The need therefore became apparent during the stakeholder session, where attendees active in the private sector were disappointed by the level of coordination and cooperation between private and public sector, expressing unanimous discontent regarding the type of cooperation and coordination there is at present between the two sectors.¹²

Moreover, during a meeting between members of the Exporters Association and the Minister of Finance in May 2014, association members complained that the partnership between the private and public sector is not real, and that the private sector is not being consulted by the government in terms of law preparations and making economic decisions. Furthermore, they accused the partnership of being ostentatious and a false front.¹³

Best Practices and Recommendations

According to the United Nations Public Administration Network (UNPAN), involving the private sector in service provision through public-private partnerships (PPPs) “ensures that projects and programs are subject to commercial discipline and sound financial due diligence.”¹⁴ This leads to increased competition and efficiency in service provision, expanded coverage, and reduced delivery costs. It is presumed this effect is transferrable to other PPPs and joint ventures undertaken by government institutions in contract with private companies in other sectors than service delivery.

It is important to note that lack of transparency and corruption in contracting processes can result in lack of efficiency similar to that seen in state-owned enterprises (SOEs). Corruption can undermine public trust in PPPs and joint ventures undertaken in such capacity if the contracting process is not transparent and carefully supervised.¹⁵

The United Kingdom recommends taking into account a number of issues in the establishment of joint ventures with private public partnership.¹⁶ Most notably

¹¹ The Hashemite Kingdom of Jordan, Prime Ministry. Accessed February 15, 2015. <http://www.pm.gov.jo/arabic/>.

¹² Private Sector Stakeholder meeting with the research team. Amman, March 24th 2015.

¹³ Petra News Agency, (May 5, 2014). *Angry manufacturers to impose service fees on exempted goods* [In Arabic]. Accessed February 13, 2015, http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=151978&CatID=15&Type=Home>ype=1.

¹⁴ D. Rondinelli. *Partnering for Development: Government-Private Sector Cooperation in Service Provision*, accessed February 17, 2015. <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan006231.pdf>.

¹⁵ Ibid.

¹⁶ United Kingdom HM Treasury (2010). *Joint Ventures: a guidance note for public sector bodies forming joint ventures with the private sector*, accessed February 12, 2015,

regarding sustainability and risks, in addition to the public sector body ensuring they are in a viable and legal position to undertake such a venture (*intra vires*), and it will not lead to misuse of authority or excessive and irresponsible expenditure of public funds.¹⁷ Irish “Guidance on PPP Joint Venture Companies”¹⁸ agrees to take into account such issues. Additionally, they stress the importance of procurement policies being in place to oversee competitive tendering procedures.¹⁹ United Nations Public Administration Network (UNPAN) also stressed the need for legal and regulatory frameworks being in place in order to provide to successful outcomes of such PPPs.²⁰

In light of the UK guidelines and the other selected commitments regarding public funds, its management, and revision of government spending, it is recommended the GoJ take into account the detailed considerations published in the HM Treasury guidelines. This will ensure transparent establishment of joint ventures, conducted in an accountable manner with openness of information and review of risks. This is important not only to ensure formation of such ventures within the confines of appropriate legal frameworks, but also to uphold the governmental and specific entity’s reputation and acting in accordance with public interests.²¹ Legislative reforms and good practice referred to in other commitments, such as 5.2 relating to procurement, would benefit the implementation of this commitment as well.

On the other hand, According to the United Nations Conference on Trade and Development (UNCTAD), in order to promote development, governments should, “recognize and accept the role and status of private sector organizations as partners in economic development and as the spokesperson of private enterprises, to be consulted on all major issues and policies affecting business.”²² The aim of this should be building trust between the two sectors, which is an important precondition for communications and engagement to be successful.

UNCTAD recommends that a specific government agency is made responsible for promoting private sector engagement. Specifically, this agency would be responsible for undertaking efforts with the aim of increasing dialogue and cooperation – thereby also reaching a level of mutual trust through efforts such as consultative

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225321/06_joint_venture_guidance.pdf, p. 21-26.

¹⁷ Ibid, p. 22.

¹⁸ Republic of Ireland Department of the Environment, Community and Local Government (2004). *Public Private Partnerships in the Local Government Sector, Technical Note 4: Guidance on PPP Joint Venture Companies*, accessed February 12, 2015, <http://www.environ.ie/en/Publications/DevelopmentandHousing/PPP/FileDownload,1751.en.pdf>.

¹⁹ Rondinelli, p. 9.

²⁰ Ibid, p. 22.

²¹ United Kingdom HM Treasury, p. 67.

²² United Nations Conference on Trade and Development (UNCTAD) (2001). *Survey of Good Practice in Public-Private Sector Dialogue*, accessed February 17, 2015, http://unctad.org/en/Docs/iteteb4_en.pdf, p. 13.

panels, conferences, open government activities, and explicit and open policy development processes.²³

The United Nations Economic Commission for Europe (UNECE) concurs with these guidelines, arguing that through a process of consultation and cooperation with the private sector, governments are able to achieve, increased legitimacy and confidence, information sharing and cross-sector dialogue mechanisms, reduced conflicts between the two sectors, and partnership, ownership, and responsibility in implementation.²⁴

It is proposed the GoJ adheres to this recommendation in order to achieve best results in private sector inclusion in public policy formation. In general, stakeholder inclusion in policy making has been identified as an important step in achieving long term and sustainable political and economic reform. Best practices relating to public inclusion are transferrable to the private sector. Undertaking efforts to increase cooperation and consultation between the public and private sectors in Jordan will improve services, outcomes, and accountability while allowing entities to use their resources more efficiently and achieve their outcomes more effectively. Effective government engagement with other private sector stakeholder institutions is vital to the development of defined outcomes if these are to be achieved successfully and sustainably.²⁵

²³ Ibid, p. 17.

²⁴ United Nations Economic Commission for Europe (UNECE). *Trade Facilitation Implementation Guide*. Accessed February 18, 2015, <http://tfig.unece.org/contents/consultation-cooperation.htm>.

²⁵ International Federation of Accountants (IFAC) (2013). *Good Governance in the Public Sector*, accessed February 23, 2015, <http://www.ifac.org/sites/default/files/publications/files/Good-Governance-in-the-Public-Sector.pdf> p. 17.

Commitment 10.4; Governorates Development Fund

Commitment Title:	Directing the activities of the Governorates Development Fund to focus on the developmental aspect	Number:	10.4
Implementing Actor: (<i>as in NIS</i>)	Jordan Enterprise Development Corporation	Timeline: (<i>as in NIS</i>)	First quarter 2014 – continuous
Full text: (<i>as in NIS</i>)	Directing the activities of the Governorates Development Fund to focus on the developmental aspect and creating jobs, more than on infrastructure projects.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Bringing economic development to Jordan's governorates has been a high priority on Jordan's reform agenda for several years.¹ His Majesty King Abdullah II requested the creation of a fund for development in the governorates in 2011. This fund, referred to as the Governorates Development Fund, is a pool of capital to be used for investing in development projects in the governorates that have significant potential to support job growth and local economic development. The fund, originally supervised by the Council of Ministers, was used for a variety of infrastructure, public, and private projects through 2012. After reviewing the performance of the initiatives, the Council of Ministers decided to stop investing in infrastructure and public projects and to focus on private sector projects. Following this decision, the Council delegated responsibility for the fund to the Jordan Enterprise Development Corporation (JEDCO) beginning in 2013. JEDCO manages the fund by identifying productive private sector projects with significant potential for local development, and then giving those projects financial and non-financial support to foster their growth.²

In August 2013, HM King Abdullah II met with ministers to discuss the implementation of the Governorates Development Fund initiative and expressed the

¹ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation. *Executive Development Strategy for Jordan*, accessed January 5, 2015, <http://www.mopic-jaims.gov.jo/uploads/22011.pdf>, p. 1

² Adi Ghuneim, Head of Financial Support Schemes/Jordan Services Modernization Program, Jordan Enterprise Development Corporation. Personal interview, January 4, 2015.

utmost importance of development governorates calling it “one of the pillars of our drive to comprehensive reform.”³

Implementation of Commitment

Since the beginning of the implementation period, a number of government agencies have continued to work supporting private sector development in the governorates. The Governorates Development Fund has continued growing and expanding its projects. By October of 2014, the Governorates Development Fund announced that it had financed 116 projects worth 52 million JOD.⁴ At the same time, the new Investment Law of 2014 simplifies the legal regulations of free zones and development zones and creates streamlined procedures designed to attract investment to the governorates.⁵

As stated above, the specific focus on infrastructure was stopped after the Council’s decision in 2013 and shift of responsible actor of the fund to JEDCO. Therefore, it is the researchers’ assessment that this commitment has already been completed, considering the “directing activities” aspect. However, extensive research should be conducted to measure the impact of these projects on local communities, and to insure they have achieved the desire goals, meaning economic growth and increased employment opportunities, in addition to their social impact. This requires serious phase-based evaluations and wide public consultation to attain communities’ feedback about this impact. The research team advises the government to do so, and will continue monitoring further steps taken related to this commitment as well as its continuity.

It is worth mentioning that Article 4c of the 2014 Restructuring Institutions and Government Departments Law⁶ included the transfer of functions related to the promotion of exports and organizing expeditions from the Investment Promotion Foundation to the Jordanian Enterprise Development Corporation (JEDCO).

Best Practices and Recommendations

The research team commends the aim of the commitment and diversity of projects implemented by the GDF to include infrastructure, development, and job creation projects supporting the idea of small and medium enterprises (SMEs). Even more so, seeing as according to the United Nations Conference on Trade and Development,

³ The Jordan Times (August 14, 2013). *Development of governorates crucial reform pillar – King*. Accessed February 13, 2015, <http://jordantimes.com/development-of-governorates-crucial-reform-pillar---king>.

⁴ The Jordan Times (October 29, 2014). *Karak gets largest portion of financing from Governorate Development Fund*. Accessed February 13, 2015, <http://jordantimes.com/karak-gets-largest-portion-of-financing-from-governorate-development-fund>.

⁵ The Hashemite Kingdom of Jordan, Investment Law [In Arabic] No. 30, 2014. Official Gazette 5308, October 16, 2014.

⁶ The Hashemite Kingdom of Jordan, Restructuring Institutions and Government Departments Law [In Arabic] No. 17, 2014. Official Gazette 5283, April 30, 2014.

“entrepreneurship is one of the most important drivers of job creation and economic growth, and is crucial for the development of a vibrant formal small- and medium-sized business sector.”⁷ Practical experience demonstrates that entrepreneurship can generate broad social gains. This is supported by research by the Global Entrepreneurship Monitor, which further emphasizes the need for public policies and quality programs supportive of SMEs at all governmental levels, and coupling thereof with educational programs.⁸

According to the World Bank, investment in infrastructure projects has made important contributions to easing fiscal constraints, improving the efficiency of infrastructure services, and extending delivery to poor people. If managed effectively, investment in infrastructure is also an important source of job creation.⁹

Thus, the multitude of sectors the revised Governorate Development Fund focus its programs and activities on denotes a comprehensive program aiming to promote development in all sectors in accordance with good practice.

⁷ United Nations Conference on Trade and Development (UNCTAD). *Entrepreneurship*. Accessed February 17, 2015. <http://unctad.org/en/Pages/DIAE/Entrepreneurship/EPF-1.aspx>.

⁸ Global Entrepreneurship Monitor (2013). *2013 Global Report*. Accessed February 17, 2015. <http://www.gemconsortium.org/docs/download/3106>, p. 45.

⁹ World Bank. *World Development Indicators*. Accessed February 17, 2015. <http://data.worldbank.org/about/world-development-indicators-data/private-sector>.

Commitment 12.1; Budget Disclosure

Commitment Title:	Adopting the principle of disclosure of budgets in line with international criteria	Number:	12.1
Implementing Actor: (<i>as in NIS</i>)	Prime Ministry, Social Security Corporation, Ministry of Finance, General Budget Department	Timeline: (<i>as in NIS</i>)	First Quarter 2014 – continuous
Full text: (<i>as in NIS</i>)	Adopting the principle of disclosure of budgets in line with international criteria.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The draft Budget Law, which is to be submitted to the parliament “at least one month before the beginning of the fiscal year for their consideration,”¹ is the most important tool for disclosure, as it is a model in accordance with the legal framework adopted by the State. It does not apply any international standard, however. This law is published on a yearly basis, prescribing the specific budget for the following fiscal year in Articles 2 and 3, as well as tables annexed to the Law such as is the case for Public Budget Law 5 for the year 2014,² which was approved in February of 2014. This is done in accordance with Article 112 of the Constitution, instructs the government to submit the draft budget and the budgets of government units laws to the National Assembly (House of Representatives and Senate) each year for discussion and approval, which occurs per article of the law, as is the case for rejection.

While the discussions of the budget law are done publicly – meaning debates of the sessions are televised and reported on – there is no specific mechanism in place for the disclosure of the budget to the public, or mention thereof in the Constitutional article. Publication of financial figures in the yearly Budget Law is what is currently considered as disclosure, as well as the Public Budget Department’s publication of the budget, a citizen’s guide, and annual reports.³

¹ The Hashemite Kingdom of Jordan, 2011 Jordanian Constitution, Article 112, Section 1.

² The Hashemite Kingdom of Jordan, Public Budget Law [in Arabic] No. 5, 2014. Official Gazette 8270, February 2, 2014.

³ The Hashemite Kingdom of Jordan, General Budget Department. *Annual reports for the General Department of Budget* [In Arabic]. Accessed January 28, 2015, <http://www.gbd.gov.jo/web/Default.aspx?Id=331165f6-c9a0-482e-af2c-4093333b4538/>

On January 28th 2010, Jordan joined the SDDS instigated by the International Monetary Fund (IMF).⁴ Accession makes it mandatory to issue standard requirements within an abstract. The Data Standards Bulletin Board Guideline prescribes, “Countries subscribing to the SDDS are obliged to (1) disseminate advance release calendars (ARCs) for the data and (2) release the data to all interested parties simultaneously.”⁵ Jordan adheres to the publication of data.⁶ There is no real method to discover how many citizens or stakeholders are aware of these publications online.

Implementation of Commitment

There have been no legal amendments regarding the incorporation of the principle of disclosure, seeing as abovementioned, the publication of the Budget Law is considered disclosure. This, however, is not done in accordance with international criteria thus cannot be interpreted as implementing the commitment. As mentioned in the background, the Public Budget Department publishes a summary of the budget, citizen’s guide, and annual report. However, the latter has not been published for 2014.⁷ It must be noted, however, that citizens are aware of the budget due to media attention – specifically for the debates of the public budget, but not as a result of governmental efforts for disclosure.⁸

The Ministry of Finance produced a Plan for Comprehensive Reform of Financial Management for the years 2014-2017,⁹ which, while working towards financial reform and transparency, does not make specific mention of budget disclosure mechanism or imposing them in accordance with international standards or criteria.

Best Practices and Recommendations

⁴ IMF. *Jordan Subscribes to the IMF’s Special Data Dissemination Standard*. Accessed January 28, 2015, <http://www.imf.org/external/np/sec/pr/2010/pr1019.htm>.

⁵ IMF (2013), p. 2.

⁶ Central Bank of Jordan. *Economic and Financial Data*. Accessed January 28, 2015, http://www.cbj.gov.jo/uploads/NSDP_2010.HTML

⁷ The Hashemite Kingdom of Jordan, General Budget Department. *Annual reports for the General Department of Budget* [In Arabic]. Accessed January 28, 2015, <http://www.gbd.gov.jo/web/Default.aspx?id=331165f6-c9a0-482e-af2c-4093333b4538/>

⁸ Abdal Razaq al-Muhaseb, Citizen, Ma’an governorate. Phone interview, May 12,2015; Abbas al-Nuwayseh, Citizen, Karak governorate. Personal interview, March 15,2015; Ola al-Sawa’I, Citizen, Ajloun governorate. Phone interview, May 12,2015; Dr. Hani al-Rfou’, Citizen, Tafileh governorate. Phone interview, May 12,2015; Suleiman Khawaldeh, Citizen, Mafraq governorate. Phone interview, May 12,2015.

⁹ The Hashemite Kingdom of Jordan, Ministry of Finance (2014). *Comprehensive reform of public financial management in Jordan* [In Arabic], accessed January 28, 2015, http://mof.gov.jo/Portals/0/Mof_content/short2017arabic%20.pdf

As discussed above, Jordan is member of the IMF's SDDS and adheres to the publication of data.¹⁰ Improvements can be made regarding the visibility and availability of these reports, however.

Moreover, the data provided is not explained further thus for those without an economic background it is difficult to comprehend the impact of the numbers provided. This goes against the best practices as well as the requirements of the SDDS: "The SDDS obliges subscribing countries to (1) disseminate documentation on methodology and sources used in preparing statistics, including the identification of methodological deviations from internationally accepted statistical methodologies, encouraging them to undertake and publish data modules of the Reports on the Observance of Standards and Codes (Data ROSCs) or other quality assessments every seven to ten years; and (2) disseminate component detail, reconciliations with related data, and statistical frameworks that support statistical cross-checks and provide assurance of reasonableness."¹¹ As well as "to (1) disseminate the terms and conditions under which official statistics are produced, including those relating to the confidentiality of individually identifiable information; (2) identify internal government access to data before release to the public; (3) identify ministerial commentary on the occasion of statistical releases; and (4) provide information about revision and advance notice of major changes in methodology."¹²

Regarding the content of the data provided, the SDDS is not flexible in the coverage countries' data¹³ is required to have, meaning it is to be all-encompassing. The OECD Best Practices in Budgeting concurs; "The budget, or related documents, should include a detailed commentary on each revenue and expenditure programme."¹⁴ This document also refers to the importance of citizens being able to understand what the disclosed budget refers to, and finds that the Ministry of Finance is responsible for ensuring an understanding amongst citizens of basic economic principles.¹⁵ It also states that all relevant legislation should be attached to each report.¹⁶

The International Public Sector Accounting Standards (IPSASs) are formulated by the International Public Sector Accounting Standards Board (IPSASB) and state that "the appropriate use of the financial information rendered from such standards would assist public officials and other groups in assessing the implications of fiscal

¹⁰ The Hashemite Kingdom of Jordan, Central Bank of Jordan. *Economic and Financial Data*. Accessed online January 28, 2015. http://www.cbj.gov.jo/uploads/NSDP_2010.HTML

¹¹ IMF (2013), p. 2.

¹² Ibid.

¹³ Ibid, p. 20.

¹⁴ Organisation for Economic Co-operation and Development (OECD) (2002). *OECD Best Practices for Budget Transparency*, accessed online January 28, 2015, <http://www.oecd.org/governance/budgeting/Best%20Practices%20Budget%20Transparency%20-%20complete%20with%20cover%20page.pdf>, p. 8.

¹⁵ Ibid, p. 14.

¹⁶ Ibid, p. 13.

decisions proposed or made by government.”¹⁷ They focus on transparent and timely reporting including the publication of budgets.¹⁸ The International Federation of Accountants, IFAC, also intends to promote government transparency and accountability, and improving the credibility and usability of financial reporting.¹⁹

While there is disclosure of budgets, these are not in line with international criteria. The disclosed budgets should be made more accessible for citizens by enhancing explanatory accompanying texts and background information on numbers for those who are interested but do not have a solid economical background. This includes the attachment of legislative documents for the public’s reference. The IMF document referenced to here is a comprehensive guide which should enable the GoJ to completely adhere to the requirements it voluntarily subscribed itself to.

¹⁷ International Federation of Accountants (IFAC) Policy Position. *Public Sector Financial Management Transparency and Accountability*, accessed January 28, 2015, <http://www.ifac.org/sites/default/files/publications/files/Policy%20Position%20Paper%204%20For%20Issue.pdf>, p. 4.

¹⁸ Ibid.

¹⁹ International Federation of Accountants (IFAC). *Global Representation & Advocacy*. Accessed January 28, 2015, <https://www.ifac.org/about-ifac/global-representation-advocacy>.

Commitments 12.2, 12.9; Monitoring Foreign Financial Assistance

Commitment Title:	Subjecting development projects funded by foreign assistance to monitoring and accountability	Number:	12.2
Implementing Actor: <i>(as in NIS)</i>	Prime Ministry, Social Security Corporation, Ministry of Finance, General Budget Department	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – continuous
Full text: <i>(as in NIS)</i>	Subjecting development projects funded by foreign assistance to monitoring and accountability, to be conducted with transparency.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Working out mechanisms to ensure integrity and transparency in grants and financial assistance	Number:	12.9
Implementing Actor: <i>(as in NIS)</i>	Ministry of Planning and International Cooperation, Ministry of Finance, Ministry of Social Development, National Aid Fund, General Budget Department, Concerned institutions	Timeline: <i>(as in NIS)</i>	First quarter 2014 – first quarter 2015
Full text: <i>(as in NIS)</i>	Working out mechanisms to ensure integrity and transparency in the internal and external grants and financial assistance.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Legislation relevant to commitment 12.2 is the Planning Law No. 68 of 1971,¹ in which Article 17 prescribes compliance of the Ministries and governmental institutions responsible for implementing development projects “... with the conditions set by the National Council for Planning for implementation, submit to periodic reports on the progress of the implementation of its projects. The National Planning Council is to follow up on implementation in all cases, and submit the necessary reports to the Board of Directors and the Cabinet.” The council referred represents the Minister of Planning, as his Ministry is the institution responsible for signing all grants and aid agreements, including the foreign aid linked to the implementation of development projects.

Where this is a legal framework directly related to the commitment, it does not specifically address the *transparent* monitoring and accountability of development projects. Moreover, the Law does not specify follow-up tasks to be undertaken by the Ministry relating to the periodical reports and assessment of outcomes of project implementation. An aspect of the law which could be enhanced is the discretionary freedom of the National Planning Council regarding what it deems necessary to refer to the Cabinet. Additionally, the law does not include articles on public monitoring of projects, nor does it force the government to publish these reports online, or get public feedback on the level of progress.

There is no legislative framework guiding commitment 12.9 or making mention of integrity and transparency in grants and financial assistance. The Ministry of Finance has prepared a comprehensive reform program of public financial management for the years 2014-2017.² This plan included the aim to ensure holistic and long-term financial discipline, and while “adequate attention for citizens’ concerns” is also envisioned there is no clear mention of policy announcement.³ Whether this is also applicable to external finances is unclear. The only place where currently finances including those received from foreign donors are included is in the Public Budget Law, however no detailed revenue available for grants. According to the Director of the International Cooperation Department of the Ministry of Planning and International Cooperation (MoPIC), the ministry is fully transparent about foreign assistance, “it is more or less explained to the public what it is about, targets, objectives, and local papers report on agreements signed (loan, grant, other types), and it is reported on the Ministry website under ‘foreign assistance.’” A main tool used for transparency is the media, according to her.⁴

¹ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation. *Planning Law No. 68, 1971* [In Arabic]. Accessed February 20, 2015, <http://www.mop.gov.jo/Pages/viewpage.aspx?pageID=6>.

² The Hashemite Kingdom of Jordan, Ministry of Finance. *Comprehensive reform plan of public financial management in Jordan 2014 – 2017* [In Arabic], accessed February 20, 2015, http://www.mof.gov.jo/Portals/0/Mof_content/short2017arabic%20.pdf.

³ Ibid.

⁴ Ms. Zeina Zeid Touqan, Director of International Cooperation Department at the Ministry of Planning and International Cooperation. Personal interview, February 2, 2015.

The Public Budget Law is also relevant to commitment 12.2 seeing as development projects funded by foreign aid are public funds within the accounts of this law. Moreover, Article 119 of the Jordanian Constitution provides the Audit Bureau with authority to control and oversee governmental expenditures, yet does not make specific mention of its role in funds received from foreign donors. The Director of the International Cooperation Department at MoPIC, explained that allocations from donors are included in their preparation of the budget, which are continuously re-estimated after Law approval to ensure it is up to date.⁵

The First National Action Plan (2012-2013) to the Open Government Partnership initiative that Jordan joined in 2011 includes a commitment relating to “Increasing transparency of foreign assistance through the completion of the second phase of the Jordan Aid Information Management System-JAIMS to include ongoing assistance targeting civil society and regional projects,”⁶ as well as intending to improve effective management of public resources,⁷ also relating to foreign aid. The website assigned to the system, however, is currently not available in Arabic whereas the English content is outdated and information is not available for the majority of topics.⁸ In the interview with MoPIC, it was stated that they are behind on JAIMS because of lack of staff and lack of cooperation by partners in providing information, yet the second phase of developing JAIMS, as envisioned in the First National Action Plan has been completed.⁹ According with findings of the research team, this is not reflected on the JAIMS website as stated above. The governmental progress report relating to implementation hereof merely states that it was still coordinating with the donor community.¹⁰ Also worth mentioning is that in interviews conducted for the Independent Monitoring Review, it was found that neither governmental employees nor stakeholders had any knowledge hereof.¹¹

However, as the current commitment is unclear about the scope of projects it is to subject to monitoring, whether these are only governmental or also civil society and regional as in the previous plan. According to Director of the International Cooperation Department at MoPIC, their role is only to monitor governmental projects, which are not managed by the donor, but by the relevant line ministry. She stated that in 2013, a UNDP expert was housed internally for one month to evaluate

⁵ Ibid.

⁶ Hashemite Kingdom of Jordan (April 2012). *First National Action Plan 2012-2014*. Accessed December 10, 2014, <http://www.opengovpartnership.org/country/jordan/action-plan>, p. 7.

⁷ Ibid, p. 9.

⁸ The Hashemite Kingdom of Jordan, Jordan Aid Information Management System (JAIMS). *Homepage*. Accessed December 10, 2014, <http://www.mopic-jaims.gov.jo/>.

⁹ Ms. Zeina Zeid Touqan, personal interview.

¹⁰ Hashemite Kingdom of Jordan (February 2013). *The Open Government Partnership, Jordan: National Action Plan First Progress Report*. Accessed November 29, 2014, <http://goo.gl/lum0zS>, p. 6. and:

Amer Bani Amer and Mai Eleimat. (2012). *Independent Reporting Mechanism: Jordan Progress Report 2012-13*, accessed December 20, 2014, <http://www.opengovpartnership.org/country/jordan/progress-report/progress-report>, p. 70.

the procedures in place, and positive feedback was given stating the ministry is up to date.¹²

Implementation of Commitment

As stated above, there is no legal framework specifically guiding actual monitoring and implementation (12.2), or integrity and transparency (12.9) relating to projects or assistance financed by foreign grants. However, it has been advocated by various ministerial representatives that there are Monitoring and Evaluation (M&E) procedures in place in ministries,¹³ and it must be noted that foreign aid is usually - if not always - provided under certain conditions, including solid M&E practices with respect to the principle of transparency. As Director of the International Cooperation Department at MoPIC confirmed, there are a number of monitoring missions received throughout the year, including in 2014.¹⁴ However, the research team could not find any published report available to the public about such missions or its results.

While the MoF's comprehensive reform program referenced above is currently supposed to be implemented, there is no specific information regarding revision of laws or implementation of new programs to establish mechanisms focusing on transparency of external financial incomes in the form of grants and other assistance.

In the case of the Ministry of Planning and International Cooperation, its internal control units are currently responsible for continuous follow-up.¹⁵ The specific tasks have been outlined for this unit on the Ministerial website, yet could be enhanced to omit terms such as "relevant legislation", and specifically target enhanced transparency in the work of this unit. In an interview with the Ministry,¹⁶ it was stated that no further developments or changes have been made to the practices in 2014 which were already in place and as described above. Additionally, it must be noted – with reference to the analysis of Commitment 2.3, that it was determined that the role of these units is to be further developed and guided with legislative support.

In light of the fact that no mechanisms have been introduced relating to monitoring and transparency of foreign assistance as stated in the two commitments' texts, both are evaluated as not having started.

¹² Ibid.

¹³ European Union Cooperation with the Hashemite Kingdom of Jordan Draft Report Discussion Seminar. Attended by research team, December 9, 2014.

¹⁴ Ms. Zeina Zeid Touqan, personal interview.

¹⁵ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation. *Financial and Administrative Control Unit* [In Arabic]. Accessed February 20, 2015, <http://www.mop.gov.jo/DetailsPage/UnitsDetails.aspx?ID=14>.

¹⁶ Ms. Zeina Zeid Touqan, personal interview.

Best Practices and Recommendations

The United Nations Evaluation Group (UNEG) has numerous publications and guidelines for various stages of monitoring and evaluation projects. The UNEG Standards for Evaluation in the UN System states that there is to be a specific organization of those conducting evaluation, and that the “Head of Evaluation is responsible for ensuring the preparation of evaluation guidelines.”¹⁷ Specifically it means methodologies should be guaranteed to be impartial and open.¹⁸ In the monitoring of the project, “the purpose and context” should be stated.¹⁹ The UNDP identifies this purpose to generally be to ensure that results are achieved,²⁰ with a specific focus on sustainability, gender, and ownership.²¹

The topics to be evaluated are as follows, according to the UNEG Standards; cost effectiveness, both in terms of finance and for example human resources. Attention should be paid to the identification of negative impact of conducting the project differently.²² Additionally it lists human rights as an evaluation topic, specifically gender issues and “hard to reach vulnerable groups.”²³ These will lead to determining the relevance (appropriateness), effectiveness, efficiency, sustainability, and impact.²⁴

The results of the evaluation are to be published in such a manner that they are easily accessible and understood by the public, and should have included stakeholders in the formulation and any recommendations as applicable.²⁵ The UNDP Handbook on Monitoring and Evaluation also stresses the importance of including stakeholders in the process and taking into account their wants and needs.²⁶

There is a guideline which was published for comment by the International Federation of Accountants (IFAC), titled *Disclosure Requirements for Recipients of External Assistance*.²⁷ *While this addresses the need for disclosure of funds received by external parties there is no specific guideline on how to do so and if these are for public*

¹⁷ United Nations Evaluation Group (UNEG) (2005). *Standards for Evaluation in the UN System*. Accessed January 29, 2015, <http://www.uneval.org/document/detail/22>, p. 6.

¹⁸ Ibid.

¹⁹ Ibid, p. 12.

²⁰ United Nations Development Program (UNDP) (2009). *Handbook on Planning, Monitoring and Evaluating for Development Results*, accessed January 29, 2015, <http://web.undp.org/evaluation/evaluations/handbook/english/documents/pme-handbook.pdf>, p.13.

²¹ Ibid, p. 14.

²² UNEG, p. 13-14.

²³ Ibid, p. 14.

²⁴ UNDP, p. 168-170.

²⁵ UNEG, p. 17, 22; and: UNDP, p. 186.

²⁶ UNDP, p.164.

²⁷ International Federation of Accounts (IFAC) (2005). *Disclosure Requirements for Recipients of External Assistance*. Accessed February 1, 2015, <http://www.ifac.org/sites/default/files/publications/exposure-drafts/00073.pdf>

*purposes.*²⁸ However, the IFAC as an institution intends to promote government transparency and accountability, and improving the credibility and usability of financial reporting.²⁹ This is interpreted to include finances received from third parties or for purposes of aid and development, resulting also from the IFAC background statement; “Providers of external assistance, particularly providers of development assistance, require recipients to follow a variety of accounting practices.”³⁰ Additionally, an *International Public Sector Accounting Standards (IPSAS) document states the focus on transparent and timely reporting.*³¹

In general, the guidelines for transparency and integrity relating to grants and financial assistance are similar to those referred to previously, as they are all related to financial disclosure and accountability. As such, the OECD Best Practices in Budgeting statement; “The budget, or related documents, should include a detailed commentary on each revenue and expenditure programme,”³² is also applicable to grants due to the ‘related documents.’ Also applicable is the IMF definition of transparency being that it “refers to an environment in which the objectives of policy, its legal, institutional, and economic framework, policy decisions and their rationale, data and information related to monetary and financial policies, and the terms of agencies’ accountability, are provided to the public on an understandable, accessible and timely basis.”³³

There is no international law on disclosure of budgets, grants, or financial assistance. However, the Paris Declaration (2005) on aid effectiveness requires greater transparency and integrity and therefore could be regarded as applicable to this commitment.³⁴ Article 47 refers to commitment of working towards greater transparency, which has been stated as important in Article 24 as well; “Transparency and accountability are essential elements for development results. They lie at the heart of the Paris Declaration, in which we agreed that countries and donors would become more accountable to each other and to their citizens.”³⁵

²⁸ Ibid, p. 11.

²⁹ IFAC. *Global Representation Advocacy*. Accessed January 28, 2015, <https://www.ifac.org/about-ifac/global-representation-advocacy>.

³⁰ IFAC (2005), p. 3.

³¹ IFAC Policy Position (2012). *Public Sector Financial Management Transparency and Accountability*, accessed January 28, 2015, <http://www.ifac.org/sites/default/files/publications/files/Policy%20Position%20Paper%204%20For%20Issue.pdf>, p. 4.

³² OECD (2002). *OECD Best Practices for Budget Transparency*, accessed January 28, 2015, <http://www.oecd.org/governance/budgeting/Best%20Practices%20Budget%20Transparency%20-%20complete%20with%20cover%20page.pdf>, p. 8.

³³ International Monetary Fund (IMF) (1999). *Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles*, accessed January 30, 2015, <http://www.imf.org/external/np/mae/mft/code/eng/code2e.pdf>, p. 4.

³⁴ OECD. *The Paris Declaration on Aid Effectiveness and the Accra Agenda for Action*. Accessed January 20, 2015, <http://www.oecd.org/dac/effectiveness/34428351.pdf>

³⁵ Ibid, p. 20.

Taking the monitoring guidelines into account, it is the recommendation that the GoJ to install a specific team within the Ministry's internal control unit responsible for the evaluation of projects so as to ensure this is done in an effective and consequent manner. This would ensure a systematic implementation of standards throughout various governmental departments. Additionally, it would prevent the unit being faced with an overwhelming workload as they are also responsible for monitoring the ministry's own efficiency and financial transactions. The human rights aspect of the evaluation is necessary but not necessarily applicable to all projects conducted in Jordan. The UNDP handbook would provide a helpful guide in the actual conducting of the evaluation or monitoring and including gender sensitive aspects therein.

In their work, this team should adhere to the examples set by the UN so as to enhance transparency of their monitoring and evaluation activities. In the appointing of the team, those qualifications and recommended skills prescribed in the UNEG document should be taken into account,³⁶ as well as those listed in the Code of Conduct.³⁷ Also relating to the values of transparency is the recommendation for the established unit to publish all reports online and therein include public feedback on implementation of the projects mentioned and its impact, specifically if the *desired* impact was achieved. In general, referring to other commitments where disclosure was the aim, it would be advisable for the GoJ to apply the same measures and practices to "ensure integrity and transparency."

Adhering to best practices and taking the recommendations into account would enhance the GoJ's accountability, and potentially improve relations with donors and citizens, potentially having further reaching effects such as increased funding. If in this field of development projects the M&E system provides fruitful, then it may be determined beneficial to apply it to all aspects of governmental projects and departmental work.

³⁶ UNEG.

³⁷ UNEG (2008). *Code of Conduct for Evaluation in the UN System*. Accessed January 29, 2015. <http://www.unevaluation.org/document/detail/100>.

Commitment 12.3; Public Debt Disclosure

Commitment Title:	Public debt disclosure	Number:	12.3
Implementing Actor: <i>(as in NIS)</i>	Prime Ministry, Social Security Corporation, Ministry of Finance, General Budget Department	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – continuous
Full text: <i>(as in NIS)</i>	Informing the public and Parliament of government’s policies and measures regarding public debt.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

On January 28th 2010, Jordan joined the Special Data Dissemination Standard (SDDS) instigated by the International Monetary Fund (IMF),¹ which also addresses transparency on public debt. The Data Standards Bulletin Board Guideline prescribes that “data on general government total gross debt, at nominal value”² should be provided. Additionally, it states that “dissemination of quarterly data on CGD, at nominal value, within one quarter after the end of the reference quarter”³ should be carried out regarding central government debts (CGD). “The data should reflect the comprehensive debt liabilities of the central government and include all debt liabilities, that is, currency and deposits, securities other than shares, loans, insurance technical reserves, and other accounts payable.”⁴ The Data Standards Bulletin Board Guideline also prescribes, “Countries subscribing to the SDDS are obliged to (1) disseminate advance release calendars (ARCs) for the data, and (2) release the data to all interested parties simultaneously.”⁵

The Ministry of Finance publishes a monthly report, and a quarterly report on the public debt⁶ in accordance with the terms of membership to the SDDS.⁷ However, there is no real method to discover how many citizens or stakeholders are aware of

¹ International Monetary Fund (IMF). *Jordan Subscribes to the IMF’s Special Data Dissemination Standard*. Accessed January 28, 2015, <http://www.imf.org/external/np/sec/pr/2010/pr1019.htm>.

² IMF (2013). *Data Standards Bulletin Board: Guide for Subscribers and Users*. Accessed January 28, 2015, <http://www.imf.org/external/pubs/ft/sdds/guide/2013/sddsguide13.pdf>, p. 36.

³ Ibid, p. 38.

⁴ Ibid.

⁵ IMF (2013), p. 2.

⁶ The Hashemite Kingdom of Jordan, Central Bank of Jordan. *Economic and Financial Data*. Accessed January 28, 2015, http://www.cbj.gov.jo/uploads/NSDP_2010.HTML

⁷ IMF (2013).

these publications online. The Central Bank of Jordan publishes statistics in a monthly report as well as an annual report.⁸ Additionally, the Department of Statistics has monthly, quarterly, semi-annual, and annual publications as the concerned authority to issue official statistics on the basis of which government decisions are made according to the General Statistics Law of 2012.⁹

The Public Debt and Its Management Law No. 8 of 2008¹⁰ replaced and cancelled the 2001 Law. However, it was ordered by judicial decree that implementation of the amended law would be postponed.¹¹ The Cabinet accepted a letter from the Minister of Finance Cabinet in Decision 2670, approving the starting date of working in accordance with this Law would start from January 1, 2010.¹² As per recommendation from the Minister of Finance on December 22, 2009, agreement was reached on the postponement of the start of working accordance with the law. Note that no new date for the entering into force of the legislation was decided on. Experts have expressed their concern regarding the lack of a new date having been decided to apply the law, saying that this is a troublesome situation which can lead to weakening the control over the size of the public debt, and reveals weakness of transparency and disclosure by the government.¹³

Legal consultant Muhammad al Sbihey points to the Cabinet being granted powers to determining the date for laws to enter into force is a violation of the Constitution, in addition to the government violating the original Public Debt Law. According to him, this is due to the freezing of Articles 22 and 23 of the law, which determine the permitted legal ratio of public debt.¹⁴

The SDDS standards are not reflected in Jordan's legislative documents; the law does not address publishing of debt, measures and policies. Exception is Article 11b of the Public Debt and Its Management Law, which merely states "The Minister [of Finance] shall, upon consultation with the Governor [of the Central Bank] decide the annual plan for issuing public debt, and announce it including the terms of subscription in it. And he may, in the same way make amendments to this plan." No policies have been compiled regarding this topic either.

⁸ The Hashemite Kingdom of Jordan, Central Bank of Jordan. *Monthly Statistical Bulletin* [In Arabic]. Accessed January 28, 2015, <http://goo.gl/Gd5Njd>.

⁹ The Hashemite Kingdom of Jordan, General Statistics Law [In Arabic] No. 12, 2012. Official Gazette 5153, April 16, 2014.

¹⁰ The Hashemite Kingdom of Jordan, Public Debt Management Law [in Arabic] No. 8, 2008. Official Gazette 4896, April 1, 2008.

¹¹ The Hashemite Kingdom of Jordan, Decree. *Postponement of Working in Accordance with the Public Debt and Its Management Law of 2008* [In Arabic]. Official Gazette 5010, January 1, 2010.

¹² The Hashemite Kingdom of Jordan, Decision No. 2670 of September 9, 2008.

¹³ Al Ghad (September 29, 2011). Financial actors demand the government to activate the Public Debt Law before preparing the 2012 budget [In Arabic]. Accessed January 30, 2015, <http://goo.gl/8UC5bE>.

¹⁴ Ammon Net (December 24, 2014). *The Public Debt.. "A Snowball" Toppled the Law* [In Arabic]. Accessed January 28, 2015, <http://ar.ammannet.net/news/241246>.

The Access to Information Law may be considered applicable as it stipulates the people's right to obtain information. This Law stipulates that requests for information are to be adhered to per special request form.¹⁵ Thus while it is related to providing information to citizens, this law states it is to be done upon request while the commitment suggests voluntary presentation of information.

The relation of the Social Security Corporation to implementing of this commitment or its relation to public debt in general is unclear. According to INTOSAI, of which Jordan's Audit Bureau is a member, the national Audit Bureaus should pressure their governments to disclose information regarding public debt.¹⁶ The role of the Audit Bureau is to encourage disclosure and ensure that this is done in a manner "to make it understandable, and thus relevant to the reasonably informed and interested, but nonexpert, reader."¹⁷ They state those minimal indicators which are to be disclosed¹⁸ as well as "a budget-to-actual scorecard, comparing forecast deficit and debt levels with results achieved."¹⁹

Implementation of Commitment

The Public Debt Department's website states they are responsible for producing the Public Debt Bulletin on a quarterly basis.²⁰ These documents have been produced on a regular basis, and are able to be found on the Ministry of Finance website.²¹ However, while the principles of the MoF include transparency and simplifying information²² this is not adhered to within the Bulletin itself, as information provided is not easily understood by a person without a financial or economic background. This is confirmed by citizens, stating that he reads the annual budgets, but that these are incomprehensible, and contradicting with other institutions' reports.²³ The website of the Public Debt Department states that they are working on the development of the Public Debt Management Strategy.²⁴

¹⁵ The Hashemite Kingdom of Jordan, Right to Access to Information Law [In Arabic] No. 47, 2007. Official Gazette 4831, June 17, 2007, Article 9.

¹⁶ International Organization of Supreme Audit Institutions (INTOSAI). *Guidance on Definition and Disclosure of Public Debt*. Accessed January 29, 2015, http://www.issai.org/media/13000/issai_5421e.pdf, p. 3.

¹⁷ Ibid, p. 8.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ The Hashemite Kingdom of Jordan, Public Debt Department. *The Public Debt Directorate*. Accessed January 29, 2015, <http://www.mof.gov.jo/en-us/abouttheministry/theministry%E2%80%99sdirectorates/thepublicdebtdirectorates.aspx>.

²¹ The Hashemite Kingdom of Jordan, Ministry of Finance. *Archive of Public Debt Bulletins*. Accessed January 29, 2015, <http://www.mof.gov.jo/en-us/datacenter/financialbulletins/publicdebtbulletins2012/archiveofpublicdebtbulletins.aspx>.

²² The Hashemite Kingdom of Jordan, Ministry of Finance (December 2013). *Public Debt Bulletin, No. 40*. Accessed January 29, 2015, http://www.mof.gov.jo/Portals/0/MOF_Content_EN/MOF_EN/MOF_EN/Public%20Debt%20Bulletin/2013/Public%20Debt%20Bulletin_202013_04_En.pdf, p. i.

²³ Abbas al-Nuwayseh, Citizen, Karak governorate. Personal interview, March 17, 2015.

²⁴ The Hashemite Kingdom of Jordan, Public Debt Department.

Taking into account the above, it would seem appropriate for the Public Debt Department to carry the greatest amount of responsibility for the management of debt and announcing information and measures relating thereto. The only knowledge citizens seem to have relating to debt comes from news, and is not very specific,²⁵ or from the annual budget discussions.²⁶ They do have questions about the levels of the debts, and why they pay more taxes and there are no clear results. A Karak citizen agreed, stating that since 1999 the government has been talking about decreasing debts and asking for justification,²⁷ another citizen also made reference to the receiving of foreign aid,²⁸ while yet another mentioned the Gulf grants and stated the importance of re-prioritizing spending.²⁹

Taking into account the vagueness of the commitment language, with “informing” being a term needing more specificity as well as the overall commitment benefiting from determining the types of measures and level of disclosure, progress is difficult to measure. While the Public Debt Department publishes reports regularly, this is not done in accordance with best practices – as discussed below, and was the standard prior to publication of the NIS and this commitment. Despite the ongoing limited efforts of the Public Debt Department described above, the research team did not uncover any specific initiatives that the Department took in 2014 to implement this commitment. Therefore, this commitment is assessed as having limited progress.

Best Practices and Recommendations

Methods of disclosure that INTOSAI, also referenced above, recommends are financial statements and “in financial reports on compliance, performance and individual government departments, and agencies. Other public documents could also be used, including budgets, central bank bulletins, and a variety of other reports to legislatures.”³⁰ The referenced report also provides a sample for governments on how to disclose their budget in a coherent manner.

The IMF prescribes that any information regarding public debt should be disclosed, including those institutions that are responsible for its management, objectives of debt management, legal and administrative frameworks, policies, procedures and regulations, budgetary activity of the past, future, and present, and the general

²⁵ Abdal Razaq al-Muhtasseb, Citizen, Ma’an governorate. Phone interview, May 12, 2015.

²⁶ Dr. Hani al-Rfou’, Citizen, Tafleeh governorate. Phone interview, May 12, 2015.

²⁷ Abdal Razaq al-Muhtasseb interview; Abbas al-Nuwayseh interview.

²⁸ Ola al-Sawa’i, Citizen, Ajloun governorate. Phone interview, May 12, 2015.

²⁹ Suleiman Khawaldeh, Citizen, Mafrag governorate. Phone interview, May 12, 2015.

³⁰ INTOSAI, p. 12.

financial position of the public sector.³¹ These principles are also published in a specific document adopted by the IMF in 1999.³²

While Jordan publishes a quarterly report on the public debt, these could be more comprehensive and understandable for the general public. Additionally, better announcement of the publication of such documents could be provided and should be encompassed in a legislative framework. A good example of some methods to enhance the transparency and accountability of the Government of Jordan is provided by Morocco. Here, after presentation of the annual budget during the “annual press conference on financing policy” the public debt is addressed.³³ During this conference, the Minister of Economics and Finance “announces the objectives established to cover the treasury’s financing requirements for the current fiscal year and the measures and actions to be implemented in the area of financing.”³⁴ Additionally, a monthly brief is published online, as well as to the World Bank for their publication.³⁵ Moreover, meetings are prepared on a regular basis where various stakeholders –banks and “participants in the domestic market” are invited to increase transparency and accountability.³⁶ It is noteworthy to recognize that the measures taken by this Kingdom are done without being member of the SDDS, even though Morocco has expressed intent on joining the standard.³⁷

The IMF definition of transparency “refers to an environment in which the objectives of policy, its legal, institutional, and economic framework, policy decisions and their rationale, data and information related to monetary and financial policies, and the terms of agencies’ accountability, are provided to the public on an understandable, accessible and timely basis.”³⁸ Adhering to principles of transparency through disclosure of public debt, according to INTOSAI “may provide the impetus to address potential problems before they become crises.”³⁹ The IMF further explains that “transparency can enhance good governance through greater accountability of central banks, finance ministries, and other public institutions involved in debt management.”⁴⁰ This indicates that general adherence to the guidelines set forth by these two financial institutions would have a larger impact on governance and society in Jordan than the government initially may foresee.

³¹ IMF (2001a). *Guidelines for Debt Management*. Accessed January 30, 2015, <http://www.imf.org/external/np/mae/pdebt/2000/eng/guide.pdf>, p. 14-16.

³² IMF (1999). *Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles*. Accessed January 30, 2015, <http://www.imf.org/external/np/mae/mft/code/eng/code2e.pdf>

³³ IMF (2001b). *Guidelines for Debt Management, Part II: Country Case Studies*. Accessed January 30, 2015. <https://www.imf.org/external/pubs/ft/pdm/eng/guide/pdf/part2.pdf>, p. 146.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ IMF (2001b), p. 146.

³⁸ IMF (1999), p. 4.

³⁹ INTOSAI, p. 8.

⁴⁰ IMF (2001a), p. 14.

Commitment 12.4; Social Security Corporation

Commitment Title:	Informing the public of the Social Security Corporation's (SSC) projects and the financial position of the agency	Number:	12.4
Implementing Actor: (<i>as in NIS</i>)	Prime Ministry, Social Security Corporation, Ministry of Finance, General Budget Department	Timeline: (<i>as in NIS</i>)	First Quarter 2014 – continuous
Full text: (<i>as in NIS</i>)	Informing the public of the Social Security Corporation's (SSC) projects and the financial position of the agency, along with the financial reports of the companies and investments SSC is involved in.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The Social Security Corporation explains its tasks as being “to protect people socially and economically,” with benefits paid by “insured persons and employers.”¹ Other means of funding or an organizational background is not found on the SSC website, with only mention being made of the necessity to work according to the Social Security Law and adherence to the principle of “self-financing.”²

The Social Security Investment Fund was established in 2002 and governed by the provisions of the Social Security Investment Bylaw 111 of 2001.³ Article 3 states that the SSIF will invest the funds of the corporation “in accordance with an investment policy prepared by the Commission and approved by the Board,” and dictates the installation of a ‘specialized investment unit.’⁴ The bylaw does not make mention of the necessity to inform the public. Through publication of the 2010 Temporary Social Security Law,⁵ the Social Security Investment Fund was established, replacing the investment fund unit and enjoying administrative

¹ The Hashemite Kingdom of Jordan, Social Security Corporation. *Organization Overview* [In Arabic]. Accessed January 7, 2015. <https://goo.gl/wLFjRy>, p. 1.

² Ibid.

³ The Hashemite Kingdom of Jordan, Social Security Corporation. *Social Security Investment Bylaw No. 111, 2001*. Accessed January 7, 2015, <http://www.ssif.gov.jo/EN/PoliciesandRegulations/SocialSecurityInvestmentBylaw.aspx>.

⁴ Ibid, Article 3.

⁵ The Hashemite Kingdom of Jordan, Temporary Social Security Law [In Arabic] No. 7, 2010. Official Gazette 5022, April 1, 2010.

independence to invest social security funds. The fund publishes reports and financial statements on a yearly basis. On one hand, this directly addresses the commitment which calls for the Social Security Corporation to disclose to the public its financial information and that of the companies it is involved in, but on the other hand, the information that is released is mostly brief and summarized financial data, which requires that people have financial backgrounds to understand the documents. The information, despite being released to the public, is not accessible to the average citizen.

According to the Assistant of the Secretary General of the Ministry of Finance,⁶ there are no flaws in the legislation implemented by the SSC, but the main issue the corporation faces are practical issues and lack of transparency. However, the latter should be addressed in the legislation, which is not. The values of the organization listed on its website do include “transparency” and “accountability”, however.⁷

The International Labor Organisation makes mention of new aspects of the SSC scheme relating to maternity insurance implemented in 2010⁸ which are not listed in any relevant Jordanian websites. On a related note, as of February 12th 2015, Social Security (Minimum Standards) Convention No. 102 was to come into force in Jordan, regulating various issues such as maternity rights and protection.⁹ This is not relevant to the commitment, but may indicate that while there is some progress and initiative from the SSC, the public is not being informed of it in a widespread way.

Implementation of Commitment

The Social Security Law No. 1 of 2014¹⁰ is currently enforced and was issued pursuant to Article 94 of the Constitution. However, all articles in this law specifically have to do with social security application, eligibility and rights. There are no provisions referring to informing the public, investments, or projects. On September 17, 2014, the Cabinet approved a new investment bylaw¹¹ for the SSIF and Investment Board, in accordance with Articles 8D, 14A, and 106 of the Social Security Law of 2014, and cancels the 2001 Social Security Investment Bylaw referred to above.

⁶ Hussam Abu Ali, Assistant of the Secretary General, Ministry of Finance. Personal interview, January 6, 2015.

⁷ The Hashemite Kingdom of Jordan, Social Security Corporation. *Organization Overview*, p. 2.

⁸ International Labor Organization (ILO). *Social Security*. Accessed January 27, 2015, <http://www.ilo.org/beirut/areasofwork/social-security/lang--en/index.htm>.

⁹ ILO. *Ratifications of ILO Conventions, C102*. Accessed January 27, 2015, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312247

¹⁰ The Hashemite Kingdom of Jordan, Social Security Law [In Arabic] No. 1, 2014. Official Gazette 5267, March 1, 2014.

¹¹ The Hashemite Kingdom of Jordan, Social Security Investment Fund and Investment Board Bylaw [In Arabic] No. 97, 2014. Official Gazette 5310, November 2, 2014.

For the actual implementation the Social Security Corporation is solely responsible, without specific mention of the Investment Fund. As the Assistant of the Secretary General of the Ministry of Finance said, the corporation is an independent state institution and the Ministry of Finance has no power over its funds or other aspects.¹² However, the MoF as well as the General Budget Department are listed as being responsible actors within the commitment. It is assumed this is due to the loans of the Ministry of Finance to the SSC, provided for cases where SSC own funds do not suffice for the payment of beneficiaries.¹³

The General Budget Department is responsible for formulating the Budget Law, in which it is possible that the Ministry of Finance's powers may be extended. This extension of powers is dependent on results of a study to be conducted by the latter, as discussed in the Ministry of Finance "Comprehensive Reform" document published on their website, and dated 2014.¹⁴ This states as a goal to "study the possibility of Social Security Corporation expenses to be included in the Budget Law."¹⁵ This has not been incorporated into the law as of yet, and the study is not found on the ministry website.

The Social Security Corporation published the 2012-2016 Executive/Strategic Plan on their website,¹⁶ in which there is no mention of this commitment's topics. Noteworthy is that this document is only available on the English website. On the Arabic website there is a different, more recent strategic plan¹⁷ for 2014-2016. Yet this also does not relate to informing the public about SSC projects and finance.

Only in the Ministry of Finance "General Government Financial Bulletin," is there a specific balance sheet providing financial data of the Social Security Corporation.¹⁸ This sheet details investments, loans, and liabilities with no specifics regarding any projects. The website of the Social Security Investment Fund posts yearly financial reports (published last in 2013)¹⁹ as well as short periodic updates about its financial situation. This information, however, is published in a technical way that requires a certain amount of financial knowledge to understand and is not accessible to the average citizen.

¹² Hussam Abu Ali, personal interview.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ The Hashemite Kingdom of Jordan, Ministry of Finance (2014). *Comprehensive Reform of Public Financial Management in Jordan* [In Arabic]. Accessed January 15, 2015, http://www.mof.gov.jo/Portals/0/Mof_content/short2017arabic%20.pdf, p. 13.

¹⁶ The Hashemite Kingdom of Jordan, Social Security Corporation. *Executive Strategic Plan of the Social Security Corporation 2012-2016*. Accessed January 12, 2015, <https://www.ssc.gov.jo/English/StraegicPlan/Pages/home.aspx#>.

¹⁷ The Hashemite Kingdom of Jordan, Social Security Corporation. *Strategic Plan 2014-2016*. Accessed January 12, 2015. <http://goo.gl/Ojilc1>.

¹⁸ The Hashemite Kingdom of Jordan, Ministry of Finance (November 2014). *General Government Financial Bulletin 2014*, accessed January 15, 2015, <http://goo.gl/eiF6nR>, p. 60.

¹⁹ The Hashemite Kingdom of Jordan, Social Security Corporation. *Financial Statements*. Accessed January 8, 2015, <http://goo.gl/a2Zd95>.

While the Social Security Investment Fund has made headlines during 2014 regarding shares investments in the Housing Bank for example,²⁰ the SSIF—as already mentioned—is not specifically included in the text of the commitment as responsible actor. Additionally, accusations of corruption hit closer to the SSC itself when an accountant at the Ministry of Labor was arrested for embezzlement of the corporation’s money.²¹ Thus it is apparent that there is necessity not only for clarification of roles and investments, but also for overall informing the public to avoid such scandals as reported above.

If the information provided to the public is wholly and up to date, the commitment would address the values of openness and transparency, and the public will be able to hold the SSC accountable due to their being (better) informed of projects and financial status and investments by the institution. The commitment clearly only intends to inform, not include the public, however. Both inclusion and informing of the public of the projects and debt are important however, seeing as the SSC treasury is also filled by part of Jordan’s citizens’ incomes, in addition to the loans it obtains from other organizations. Thus, the citizens of Jordan have a fundamental right to be aware of what is being undertaken with their money, and the principles of transparency and accountability are crucial for the corporation to adhere to as a result. The evidence shows that while steps have been taken toward fulfilling the commitment, but a significant number of steps toward completing it remain, leading this commitment to be deemed “partially” completed.

Best Practices and Recommendations

Social security is considered a basic human right in the Universal Declaration of Human Rights Articles 22 through 25.²² However, this declaration does not specifically list how this is to be adhered to or any other type of best practices related to the implementation of that right.²³ Article 19 of the UDHR²⁴ is related to the right of Freedom of Information and commits itself to informing the public. This leads to the conclusion that publishing information related to social security would greatly enhance the status of Jordan, especially considering that (part of) the corporation’s income is derived from citizen’s social security percentage deduction of income.

²⁰ Petra News Agency (March 2, 2014). *Inviting the media to deal responsibly with the issue of shares of "security" in the Housing Bank* [In Arabic]. Accessed January 15, 2015, <http://goo.gl/muHMiY>.

²¹ AmmanJo.net (April 24, 2014). *Accountant in Ministry of Labor Arrested for Embezzlement of "Security" Money* [In Arabic]. Accessed January 15, 2015, <http://www.ammanjo.net/index.php?page=article&id=57172#.VVnAbrmqgko>.

²² United Nations. *Universal Declaration of Human Rights*. Accessed January 15, 2015. <http://www.un.org/en/documents/udhr/>.

²³ Ibid.

²⁴ Ibid.

The International Social Security Association (ISSA) which Jordan is member of,²⁵ states on their website that “good practice is defined as any type of experience (e.g. an action, a measure, a process, a programme, a project, or a technology) implemented within a social security organization that fosters the improvement of its administrative and operational capacities, and/or the efficient and effective delivery of programmes.”²⁶ There are no published single set of standards that the Association requires or advises members to adhere to, they merely commend more comprehensive schemes.²⁷

According to the International Labor Organization, “Social security involves access to healthcare and income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a main income earner.”²⁸ While the ILO provides Standards on Social Security, these do not specifically outline the obligation to be transparent in the information provided to the public.²⁹

In most European Union nations, funds for providing social security benefits are generated by a percentage of the employee’s salary, in addition to employers contributing a (larger) percentage.³⁰ With institutional differences for implementation; in France there are four schemes each the responsibility of a different governmental actor,³¹ while in the Netherlands,³² United Kingdom,³³ and Germany there is a single actor responsible. There is no indication that any of these institutions have projects or investments other than related to the implementation of social security law, and their responsibilities and financial limitations are restricted to relating to social protection and security only.³⁴

²⁵ International Social Security Association (ISSA). Accessed January 27, 2015, <http://www.issa.int/directories/organization>.

²⁶ ISSA. *Good Practices*. Accessed January 27, 2015, <http://www.issa.int/good-practices>.

²⁷ ISSA (2013). *Dynamic Social Security: A global commitment to excellence, Global Report 2013*. Accessed January 25, 2015, via www.issa.int (direct link not available).

²⁸ International Labor Organization. *Social Security*.

²⁹ ILO. *Global Standards*. Accessed January 27, 2015, <http://ilo.org/global/standards/subjects-covered-by-international-labour-standards/social-security/lang-en/index.htm>.

³⁰ European Commission. *Employment, Social Affairs & Inclusion*. Accessed January 27, 2015, <http://ec.europa.eu/social/main.jsp?catId=858&langId=en>.

³¹ European Commission. *Employment, Social Affairs & Inclusion; Your social security rights in France*. Accessed January 27, 2015, http://ec.europa.eu/employment_social/empl_portal/SSRinEU/Your%20social%20security%20rights%20in%20France_en.pdf, p. 6.

³² European Commission. *Employment, Social Affairs & Inclusion; Your social security rights in the Netherlands*. Accessed January 27, 2015, http://ec.europa.eu/employment_social/empl_portal/SSRinEU/Your%20social%20security%20rights%20in%20Netherlands_en.pdf, p. 7.

³³ European Commission. *Employment, Social Affairs & Inclusion; Your social security rights in the United Kingdom*. Accessed January 27, 2015, http://ec.europa.eu/employment_social/empl_portal/SSRinEU/Your%20social%20security%20rights%20in%20UK_en.pdf, p. 5.

³⁴ European Commission. *Employment, Social Affairs & Inclusion; Your social security rights in Germany*. Accessed January 27, 2015, http://ec.europa.eu/employment_social/empl_portal/SSRinEU/Your%20social%20security%20rights%20in%20Germany_en.pdf, p. 8.

The GoJ must be commended for its membership in the ISSA and ratification of conventions on social security compiled by the ILO. This leads to the belief that in general Jordan is on the right track in making amendments to the social security scheme, specifically with reference to gender sensitivity.

Regarding the commitment specifically, however, it is advisable for the GoJ to use EU countries as a point of reference in the organization of funds for the SSC. Specifically to ensure it is relieved of the financial pressures, provide clearer information regarding rules, and to cancel any investments that may be deemed irresponsible for a social corporation to be involved in. However, due to the lack of information regarding such investments, it is hard to make recommendations or assess what and how a different scheme may affect Jordan and its citizens.

Commitment 12.5; Reform Disclosure

Commitment Title:	Disclosure about the fiscal and economic reform program and development projects	Number:	12.5
Implementing Actor: <i>(as in NIS)</i>	Prime Ministry, Social Security Corporation, Ministry of Finance, General Budget Department	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – continuous
Full text: <i>(as in NIS)</i>	Announcing the policies of the fiscal and economic reform programmes and development projects, along with their timeframes and outcomes, and disclosing to the public government subsidies mechanisms.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

There is no law, bylaw, or any instructions relating to the text on fiscal and economic reform programs. The Royal “We are all Jordan” document prepared in July 2006¹ includes a commitment to continue the implementation of political, economic and social reform programs. It also addresses the imbalance in economic and social development work between regions of the Kingdom and the intention to set up an early warning system to follow economic developments at the local, regional and international levels. This would be used to assess the impacts on the performance of the national economy in general, and on financial and monetary stability in particular, and thus enables decision makers policy makers respond to these developments in a timely manner

Implementation of Commitment

The Ministry of Finance has prepared a comprehensive reform program of public financial management for the years 2014-2017.² This program included the aim to ensure holistic and long-term financial discipline, and while “adequate attention for

¹ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II Ibn Al Hussein. *Royal Initiatives* [In Arabic]. Accessed February 20, 2015, http://kingabdullah.jo/index.php/ar_I0/initiatives/view/id/34.html.

² The Hashemite Kingdom of Jordan, Ministry of Finance (2014). *Comprehensive reform plan of public financial management in Jordan 2014 – 2017*, accessed February 20, 2015. http://www.mof.gov.jo/Portals/0/Mof_content/short2017arabic%20.pdf.

citizens' concerns" is also envisioned there is no clear mention of policy announcement.³

Additionally, a 10-month program that delivers technical assistance to Jordan in the areas of economic policy formulation, budget management and tax administration was reported to be concluded in October 2014, in cooperation with USAID.⁴ This so-called Jordan Fiscal Reform Bridge Activity (JFRBA) focuses on select fiscal areas of the Fiscal Reform Project II (FRP II), implemented between 2009-2014, and constitutes a bridge program until the new project on fiscal and economic issues for the next phase of FRP is launched in the fall of 2015.

Implemented activities largely continue on those FRP II activities that are not yet self-sustaining and in particular: the operation of the Government Financial Management Information System (GFMIS) as means of increasing transparency and efficiency of public financial management; the implementation of International Public Sector Accounting Standards (IPSAS) to improve quality of financial reporting in the public sector; streamlining the budgeting process; and strengthening the M&E system.⁵ Therefore, these activities are considered as working towards the objectives of the commitment.

The Cabinet issued a decree number on December 24, 2014⁶ to prepare an executive program for the MoF reform program mentioned above. This is to be a practical program for the purposes of determining responses within a specific process and a specified timeframe.

The Prime Minister, Minister of Industry and Trade, and Minister of Finance in several meetings and discussions on the Draft Public Budget Law for the 2014 Fiscal Year, stated that the government wants Parliament to support the goals of provided reform support, direct support to citizens and not to commodities, that the government is considering issuing "smart cards". This was announced by various media outlets.⁷

³ Ibid.

⁴ United States Agency for International Development (USAID) (October 1, 2014). *Performance Evaluation of the USAID/Jordan Fiscal Reform Project II (FRP II)*, accessed December 20, 2014, http://pdf.usaid.gov/pdf_docs/PA00K5PG.pdf.

⁵ Ibid.

⁶ Petra news (December 24, 2014). *The Cabinet orders the Ministry of Finance to prepare an executive program for financial reform* [In Arabic]. Accessed February 20, 2015, http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=177396&CatID=14.

⁷ Amra News (November 27, 2014). *Excellencies of the House and Al-Halawani discuss the mechanism of removal of subsidies on bread!* [In Arabic]. Accessed February 20, 2015, <http://amranews.com/amra-30318.htm#VMUWb9KUeTU>; and Al Ghad (November 27, 2014). *Al Nsour: We will compensate citizens in the event of removal of subsidies on bread* [In Arabic]. Accessed February 20, 2015, <http://alghad.com/articles/839076>; and Ammon News (November 27, 2014). *Al Nsour: There will be a compensation mechanism for citizens if we decide to lift the subsidies on bread* [In Arabic]. Accessed February 20, 2015, <http://www.ammonnews.net/print.aspx?artidno=213194>.

According to the Comprehensive reform plan of public financial management in Jordan 2014 – 2017, the preparation of a comprehensive program for financial and economic reform needs to be prepared by the government's economic team (the Ministries of Planning, Industry and Trade, Finance, and Energy), under direction and commissioned by the Prime Minister or Cabinet.⁸ They are to determine the timeframe and results-oriented budget according to mid-term planning, to present this to the Cabinet and obtain its decision, after which it is to be presented to the Parliament for debate.

The GoJ's economic reform program is supported by the International Monetary Fund (IMF) through the current 36-month Stand-By-Agreement (SBA) 2012-2015.⁹ The SBA provides the liquidity necessary for the GoJ to implement its fiscal program and is linked to conditions pertaining to more efficient public spending, structural reforms and fiscal consolidation measures, such as tight management of the central government budget, strengthening of tax administration, reduction of public debt, and improvement of public financial management for increased transparency. The SBA stresses the need for the program's implementation in a socially acceptable manner that corrects imbalances without impacting negatively on the vulnerable sections of the population.

The World Bank, through its Country Partnership Strategy for FY11-FY15,¹⁰ also recognizes the need for fiscal management alongside strengthening the social protection system to address the needs of the most vulnerable population. The World Bank's strategy focuses on governance, fiscal consolidation and subsidy targeting and supports public financial management through better alignments of policy decisions and the strengthening of mechanisms for internal and external accountability, maintaining as priority transparency for public institutions.

Additionally, the European Union's (EU) bilateral cooperation with Jordan within the framework of the European Neighborhood Instrument (ENI) 2014-2020¹¹ includes the continuing reform of public financial management for long-term fiscal sustainability, taking into consideration Jordan's economic and fiscal reform plan. The United Nations Development Programme (UNDP) Country Programme Action Plan (CPAP) 2013-2017¹² is also aligned with the national priorities as stated in the

⁸ The Hashemite Kingdom of Jordan, Ministry of Finance (2014).

⁹ International Monetary Fund (IMF). *Program Note Jordan*. Accessed February 10, 2015, <https://www.imf.org/external/np/country/notes/jordan.htm>.

¹⁰ International Bank for Reconstruction and Development and International Finance Corporation (February 2012). *Country Partnership Strategy for the Hashemite Kingdom of Jordan for the Period FY12-FY15*. Accessed February 14, 2015. <http://goo.gl/dFHESm>.

¹¹ European Union External Action Service (2014). *Programming of the European Neighbourhood Instrument (ENI) - 2014-2020; Single Support Framework for EU support to Jordan (2014-2017)*. Accessed February 17, 2015, http://eeas.europa.eu/enp/pdf/financing-the-enp/jordan_2014_2017_programming_document_en.pdf

¹² United Nations Development Program (UNDP) (2013a). *Country Programme Action Plan (CPAP) between the Government of Jordan and the United Nations Development Programme (UNDP) 2013-2016*. Accessed February 14, 2015,

Jordan National Agenda document and is committed to systematically monitor progress. One of the strategic priorities for the United Nations Development Assistance Framework (UNDAF) 2013-2017¹³ in particular, involves supporting a number of reforms that will make Jordan's governance more transparent and accountable, including a more transparent budget process.

However, regardless of several efforts being made to improve economic reform, there is no specific mention of announcement and disclosure of programs and mechanisms by the responsible actors as stated in the commitment. Reform goals are not specified in the adopted plan above within the goals of Jordan National Agenda.¹⁴ The program set out in the MoF reform plan did not include development programs and projects or their timeframes and results, in absence of the economic dimension. The program is restricted to performance and output of the Ministry of Finance, and no reasons have been found to clarify the lack thereof in this plan.

In summary, there are a number of strategies and plans in place for financial reform, which to a degree comply with transparency and good governance standards. However, the commitment remains vague in its terminology, specifically relating to announcing and disclosing and the specific ways it intends to do this. The primary system presumed to assist in implementation of the commitment, JAIMS, is still inactive, leading to the research team considering efforts pertaining to the implementation as limited. However, the Ministry of Planning and International Cooperation has implemented the “Inform” initiative, which has its own website.¹⁵ This website, while relatively new, has clearly defined objectives, is functioning, yet unknown; even the Director of the International Cooperation Department of the Ministry of Planning and International Cooperation was unaware of its existence.¹⁶ Thus, it is recommended that the GoJ take specific measures for disclosure and announcing and ensure this is done in a comprehensive manner.

Additionally it must be noted that the role of the Social Security Corporation in the implementation of this commitment is deemed unnecessary and irrelevant.

Best Practices and Recommendations

While there is no specific mention of disclosure of fiscal and economic reform programs, development projects, and government subsidies mechanisms, there are various guidelines referring to transparency and disclosure of financial information.

[http://www.jo.undp.org/content/dam/jordan/docs/Operations/CPAP%202013 2017 SIGNED%20 COPY.pdf](http://www.jo.undp.org/content/dam/jordan/docs/Operations/CPAP%202013%202017%20SIGNED%20COPY.pdf)

¹³ UNDP (2013b). *Jordan United Nations Development Assistance Framework 2013-2017*. Accessed February 16, 2015,

http://www.jo.undp.org/content/dam/jordan/docs/Operations/UNDAF%202013-2017_Jordan.pdf

¹⁴ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II Ibn Al Hussein. Accessed February 20, 2015. http://kingabdullah.jo/index.php/ar_JO/initiatives/view/id/32.html.

¹⁵ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation. *Inform*. Accessed June 23, 2015, <http://inform.gov.jo/ar-jo/>.

¹⁶ Ms. Zeina Zeid Toukan, Director of the International Cooperation Department of the Ministry of Planning and International Cooperation. Personal interview, February 2, 2015.

Additionally, the IMF has guidelines for the dissemination of data for those who are subscribed to the SDDS program. This makes brief mention of subsidies but does not clearly provide guidance on how to disclose such mechanisms.

It is presumable, however, that the principles of disclosure and transparency applicable to the public budget and debt are also applicable to those topics mentioned in this commitment. Namely, to “identify internal government access to data before release to the public,”¹⁷ and the requirement of data provided to be “all-encompassing.”¹⁸ However, it is important to note that the SDDS prescribes some information, which is to be provided to fall in the category “as-relevant”,¹⁹ which would encompass the information, referred to in the commitment.

The International Public Sector Accounting Standards (IPSASs) are formulated by the International Public Sector Accounting Standards Board (IPSASB) and state that “the appropriate use of the financial information rendered from such standards would assist public officials and other groups in assessing the implications of fiscal decisions proposed or made by government.”²⁰ This implies information on fiscal reform projects.

The IMF definition of transparency “refers to an environment in which the objectives of policy, its legal, institutional, and economic framework, policy decisions and their rationale, data and information related to monetary and financial policies, and the terms of agencies’ accountability, are provided to the public on an understandable, accessible and timely basis.”²¹ This is relevant as guidance for the commitment and the announcement of policies regarding the listed projects, programs, and mechanisms.

The UNDP has a policy of disclosure regarding any of their development projects, as it “recognizes that there is a positive correlation between a high level of transparency through information sharing and public participation in UNDP-supported development activities.”²² In general, there is no negative effect of transparency. While referring to disclosure of public debt, the statement of INTOSAI, “disclosure may provide the impetus to address potential problems before they

¹⁷ IMF (2013). *Data Standards Bulletin Board: Guide for Subscribers and Users*. Accessed January 28, 2015. <http://www.imf.org/external/pubs/ft/sdds/guide/2013/sddsguide13.pdf>, p. 2.

¹⁸ Ibid, p. 20.

¹⁹ Ibid.

²⁰ International Federation of Accountants (IFAC) Policy Position. *Public Sector Financial Management Transparency and Accountability*. Accessed January 28, 2015, <http://www.ifac.org/sites/default/files/publications/files/Policy%20Position%20Paper%204%20for%20Issue.pdf>, p. 4.

²¹ IMF (1999). *Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles*. Accessed January 30, 2015, <http://www.imf.org/external/np/mae/mft/code/eng/code2e.pdf>, p. 4.

²² United Nations Development Programme website. *Information Disclosure Policy*. Accessed January 30, http://www.undp.org/content/undp/en/home/operations/transparency/information_disclosurepolicy.html, Article I.

become crises”²³ is still relevant, as it problems may also occur in governmental programs and mechanisms. The IMF further explains that “transparency can enhance good governance through greater accountability...”²⁴ While the IMF refers to financial institutions, the effects may still be the same as there is an increased understanding amongst citizens for decisions and policies as a result of openness about programs and mechanisms which are being implemented.

²³ International Organization of Supreme Audit Institutions (INTOSAI). *Guidance on Disclosure of Public Debt*. Accessed January 29, 2015, http://www.issai.org/media/13000/issai_5421e.pdf, p. 8.

²⁴ IMF (2001a). *Guidelines for Debt Management*. Accessed January 30, 2015. <http://www.imf.org/external/np/mae/pdebt/2000/eng/guide.pdf>, p. 14.

Commitment 12.6; Privatization Committee

Commitment Title:	Completing and presenting the research of the Privatization Committee	Number:	12.6
Implementing Actor: <i>(as in NIS)</i>	Privatization Evaluation Committee	Timeline: <i>(as in NIS)</i>	Second quarter 2013 – first quarter 2014
Full text: <i>(as in NIS)</i>	The Committee tasked by the Prime Minister with examining the privatization plan should complete its work, present its recommendations in this regard and disclose to the public its findings.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

While privatization in Jordan commenced in 1989, there seems to be a lack of a legislative framework in place regarding this until the Privatization Law No. 25 of 2000.¹ The law was an adoption of the “Strategic Privatization Document” published in 1999.²

The Privatization Law No. 25 of 2000, in a section specifically dedicated to the “Executive Privatization Committee” lays out the duties and responsibilities of the committee in Article 10. In addition to stipulating that the committee is to carry out a study and present its recommendations to the Council (10A), in Article 10B it states that it is to “follow... up the execution of restructuring and privatization transactions after the consent of the Council of Ministers on the Council’s resolutions in this matter has been obtained.”

Article 10C states the Committee is responsible for “Any other responsibilities related to restructuring and privatization transactions assigned to it by the Council or by the Council of Ministers.” The Law also prescribes the financial independence of the Committee in Article 12A.

¹ The Hashemite Kingdom of Jordan, Privatization Law [In Arabic] No. 25, 2000. Official Gazette 4443, July 2, 2000.

² Petra News Agency (January 5, 2012). *Prime Minister's Speech on Privatization at the House of Representatives*. Accessed January 15, 2015, http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=2&site_id=1&NewsID=54901.

It is important to note that while the Privatization Law prescribed the installation of a committee in 2000, this was not done until January 2013.³ The first meeting was held in late March of the same year.⁴

The World Bank Country Partnership Strategy with Jordan published on February 1st 2012 makes mention of privatization and cooperation with the Privatization Committee. Specifically, it states that the World Bank and the International Financial Corporation (IFC) “has worked closely with the Executive Privatization Committee to build a suitable legal environment to regulate PPPs [Public-Private Partnerships] and is supporting the development of a legal framework for insolvency.”⁵ Additionally, it makes mention of a Privatization fund provided by USAID, which is managed by the Bank.⁶

Policy is not explicitly in place. However, the 2000 Law also mentions that a “Privatization Council” is to be established, chaired by the Prime Minister and with membership of numerous ministerial representatives. Specifically from the Ministry of Finance, Industry and Trade, Planning, Justice, and their concerned ministers as applicable, in addition to the chairman of the Privatization Commission and the governor of the Central Bank. This Council is supposed to lay down the policies regarding privatization, as per Article 7Ai. Moreover, Article 117 of the Constitution (indirectly) relates to privatization. It is worth mentioning that the Privatization Council has no specific website to cover its activities; some of their news is covered within general media coverage on local online outlets, as cited.

Implementation of Commitment

The commitment addresses openness and transparency partially due to the presentation of the committee’s work and presentation of results. Citizens participate passively by receiving the findings of the committee. However, depending on these results, participation may be a trickle-down effect of the report/commitment. The committee is accountable due to the openness that is required of their work, yet this does not directly influence accountability of the government.

³ Petra News Agency (January 14, 2013). *Government forms privatization evaluation committee*. Accessed January 15, 2015,

http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=1&lang=2&NewsID=96858.

⁴ Petra News Agency (March 24, 2013). *Privatization Committee convenes first meeting*. Accessed online January 15, 2015,

http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=2&site_id=1&NewsID=104688.

⁵ International Bank for Reconstruction and Development (IBRD) and International Financial Corporation (IFC) (2012). *Country Partnership Strategy for the Hashemite Kingdom of Jordan for the Period FY12-FY15, Report No. 58114-JO*. Accessed January 15, 2015,

<http://documents.worldbank.org/curated/en/2012/02/15780007/jordan-country-partnership-strategy-period-fy11-fy15>, p. 26.

⁶ Ibid.

According to multiple online sources, the Privatization Committee has completed its first task, which is more specifically referred to in this commitment. The publishing of recommendations has been done; their final report was made public on March 30th 2014,⁷ accompanied by a press conference and followed by a meeting in presence of the King. It is reported that the King stated that the government should adopt the committee's recommendations into account. However, upon presentation of the report to the House of Representatives which took place on April 27, 2014 upon the request for a general debate submitted by 36 members of parliament, it had to be suspended due to lack of quorum, thus it remained 'shelved'.⁸ Seeing as the Committee has completed its work and submitted its recommendations publically, the commitment is considered to have been completed.

Regarding the "work" that the committee was to have done, as prescribed in the law it reaches further than the mere publication of a report. However, there are no further or more recent updates regarding the work of the Committee. There was, however, an interview with Chairman of the Committee Dr. Omar Razzaz.⁹ Therein, he states that the mandate of the committee was "to do the evaluation." He also states that the Anti-Corruption Commission has formed a follow-up committee – more specifically relating to the instigation of corruption having played a part in some cases.¹⁰ He does not refer to the "shelving" of the report, however, and claims that the Upper House is now reviewing results of the report, which are to be discussed in an "extensive session with them."¹¹

On November 24, 2014, the House of Representatives approved a draft law which cancels the 2014 Privatization Law,¹² and accordingly, the Executive Privatization Committee. According to this draft law, provisions of the Restructuring Institutions and Government Departments Law are being implemented, as the latter includes the cancellation of the Executive Privatization Committee as established under Privatization Law No. 25 of 2000. Consequently, legal and de facto authority, rights, and assets of the Committee are transferred to the Ministry of Finance.¹³

Best Practices and Recommendations

⁷ The Jordan Times (March 30, 2014). *King Calls for Building on Findings of Privatisation Review Panel*. Accessed January 15, 2015, <http://jordantimes.com/king-calls-for-building-on-findings-of-privatisation-review-panel>

⁸ Al Arab Al Yom (April 27, 2014). *House of Representatives Convene for Privatization Report and "shelve" it today* [In Arabic]. Accessed online January 17, 2015, <http://alarabalyawm.net/?p=142391>.

⁹ Venture Mag (June 30, 2014). *Setting the Privatization Record Straight*. Accessed January 17, 2015. http://www.venture-mag.com/index.php?option=com_k2&view=item&id=692:setting-the-privatization-record-straight&Itemid=34

¹⁰ Al Arab Al Yom.

¹¹ Venture Mag.

¹² Law Canceling the Privatization Law [In Arabic] No. 2, 2015. Official Gazette 5322, January 15, 2015.

¹³ Restructuring Institutions and Government Departments Law [In Arabic] No. 17, 2014. Official Gazette 5283, April 30, 2014.

While there are plenty of documents relating to the actual process of privatization and guidance and good practice therefore, these are not related to the actual commitment which only focuses on the Privatization Evaluation Committee and the publishing of their evaluative report.

The OECD states that it is necessary for privatization plans to be evaluated,¹⁴ but does not provide guidance on good practice to do so. It does state that an example of those conducting the audit and evaluation is the supreme audit institution,¹⁵ for which INTOSAI has published a good practice guideline.¹⁶ These institutions, however, conduct the evaluation from the moment the privatization has begun, and are not only ex-post evaluations.

Nonetheless, the documentation regarding privatization agrees that “high levels of transparency and accountability must surround the privatization process”¹⁷ thus in general the publication of an evaluation adheres to good practice, as it includes “regular disclosure to parliament and the general public.”¹⁸ It is the assessment that regarding the work of the Privatization Evaluation Committee – which has been concluded at time of publication of this report, did not need adjustment in terms of incorporating best practices. The committee acted transparently in the publication of the report, and the commitment seems to have been duly completed.

¹⁴ Organisation for Economic Cooperation and Development (OECD) (2010). *Privatisation in the 21st Century: Summary of recent experiences*. Accessed January 31, 2015, <http://www.oecd.org/daf/ca/corporategovernanceofstate-ownedenterprises/43449100.pdf>, p. 23.

¹⁵ Ibid, p. 24.

¹⁶ International Organisation of Supreme Audit Institutions (INTOSAI) (1998). *Guidelines on Best Practice for the Audit of Privatisation*. Accessed online January 31, 2015, http://www.issai.org/media/13008/issai_5210e.pdf.

¹⁷ OECD (2010), p. 34.

¹⁸ Ibid.

Commitment 12.7; Financial Disclosure and Illicit Gains Laws

Commitment Title:	Revisiting the draft Financial Disclosure and Illicit Gains laws	Number:	12.7
Implementing Actor: <i>(as in NIS)</i>	Parliament, Prime Ministry	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – fourth Quarter 2014
Full text: <i>(as in NIS)</i>	Revisiting the Financial Disclosure and Illicit Gains laws with the aim of ensuring further transparency, through enforcing the financial disclosure provision on those identified in the law upon assuming public office and after leaving their posts. This would facilitate proving acts of corruption. Those subject to the law must be obliged to obtain clearance from taxation authorities, including real estate, <i>Ma'aref</i> and income taxes, to set a good example for others.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

There are two laws being referred to in the commitment, the Publication of Financial Disclosure Law No. 54 of 2006,¹ and the Illicit Gains Law No. 21 of 2014.² Also related is the 2006 Anti-Corruption Commission Law No. 62, of which a number of provisions were subject to amendments in 2012 and 2014.

Implementation of Commitment

The revisiting of the two laws can be seen to have been completed, and that this resulted in the cancellation of the 2006 Financial Disclosure Law upon publishing of the 2014 Illicit Gains Law, according to Article 22A. The latter is applicable to a wider scope of employees of various institutions. Other than that, there is not a great discrepancy between what is included in the provisions – the Financial Disclosure law also contains provisions regarding illicit gains (Article 5) and the same definition of the term (Article 6). The main difference is in the clauses specifically referring to financial disclosure, which have been simplified in the 2014 law (comparison of Article 7 in 2006 and Article 10 of 2014). The simplification of

¹ The Hashemite Kingdom of Jordan, Publication of Financial Disclosure Law [In Arabic] No. 54, 2006. Official Gazette 4790, November 1, 2006.

² The Hashemite Kingdom of Jordan, Illicit Gains Law [In Arabic] No. 21, 2014. Official Gazette 5289, June 12, 2014.

clauses referring to disclosure has diminished the effects the commitment seems to have envisioned as it decreases transparency.

Under Article 2 of the 2014 Law, the Financial Disclosure Department was established. However, there is no specific website for this department or an abundance of information to be found about it or its work. The Illicit Gains Law is applicable to any governmental employee, including of the Royal Court, Central Bank, universities, secretaries general, representatives, and members of various councils according to the provisions of Article 3. Article 4 identifies what is considered as falling into the “illicit gains” category. It also prescribes the provision of information to the Anti-Corruption Committee regarding any case of corruption (Article 5D), and that the direct family members of any employee are also included in the provisions of the Law regarding the obtaining of clearance (Article 7).

The Law places legal penalties on those who violate the law, including punishments for the direct family members who have obtained ‘Illicit Gains,’ according to Article 12 and 13A respectively. These punishments are not to exceed duration of incarceration of 1 year, or a fine of more than one thousand Jordanian Dinars (Article 15).

The Cabinet is to issue any policies necessary for the implementation of the provisions of the Illicit Gains Law, according to Article 21. The proving acts of corruption aspect of the commitment are related to the National Anti-Corruption Strategy for the years 2013-2017.³ Specifically the last goal of the strategy, number 7, to “develop national legislation in accordance with international standards of fighting corruption and emphasizing efficiency in implementation.”⁴

Best Practices and Recommendations

Jordan is signatory to the United Nations Convention Against Corruption (UNCAC) since 2003 and has ratified the Convention in 2005.⁵ Additionally, Jordan is member of the MENAFATF – the Middle East and North Africa Financial Action Task Force,⁶ which is a voluntary association focusing on combatting corruption (money laundering) and fighting terrorism and proliferation.⁷

³ The Hashemite Kingdom of Jordan, Jordan Anti-Corruption Commission (2014). *National Strategy for Combating Corruption 2014-2017* [In Arabic], accessed online January 31, 2015, http://www.jacc.gov.jo/Portals/0/strategy/Strategy_ara.pdf.

⁴ Ibid, p. 16.

⁵ United Nations Convention Against Corruption (UNCAC) (2011). *Implementation Review Group, Executive Summary: Jordan*, accessed January 31, 2015, <https://www.unodc.org/documents/treaties/UNCAC/COSP/session4/V1186371e.pdf>, p. 1.

⁶ Middle East & North Africa Financial Action Task Force (MENAFATF). *Hashemite Kingdom of Jordan*. Accessed February 1, 2015, <http://www.menafatf.org/topiclist.asp?ctype=reg&id=458>.

⁷ MENAFATF. *About MENAFATF*. Accessed February 1, 2015, <http://www.menafatf.org/topiclist.asp?ctype=about&id=546>.

The Financial Action Task Force (FATF) produced 40 recommendations regarding money laundering and combating the financing of terrorism. The FATF notes itself that the legislative framework in each country is different, and that the recommendations set “an international standard, which countries should implement through measures adapted to their particular circumstances.”⁸

Three general recommendations for Jordan are as follows:

- establish powers and responsibilities for the competent authorities (e.g., investigative, law enforcement and supervisory authorities) and other institutional measures; enhance the transparency and availability of beneficial ownership
- information of legal persons and arrangements; and
- facilitate international cooperation.⁹

Additionally, it proposes the installation of “financial intelligent units” (Recommendation 29).¹⁰

Important advice which Jordan is already following to a certain degree is to “first identify, assess and understand the risks of money laundering and terrorist finance that they face, and then adopt appropriate measures to mitigate the risk.”¹¹ Other recommendations which Jordan has already taken into account are those referring to the criminalization of money laundering and its confiscation (Recommendations 3 & 4).¹²

The Task Force’s own commitment “to maintaining a close and constructive dialogue with the private sector, civil society and other interested parties, as important partners in ensuring the integrity of the financial system”¹³ should also provide a positive example for Jordan and emphasize the importance of transparent and inclusive practices in the fight against obtaining illicit gains.

While the commitment itself seems to have been completed, it is recommended that there is more transparency in the work of the Financial Disclosure Department and the setting up of a departmental website for those purposes. Additionally, the Cabinet should publish the policies in accordance with Article 21. The Government of Jordan may consider reviewing the Illicit Gains Law once more and review the specific authorities’ powers, specifically those of the Anti-Corruption Committee and taking into account stakeholder feedback. In the application of the recommendations or further law review, the GoJ could make use of the explanatory

⁸ Financial Action Task Force (FATF) (2012). *International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation*, accessed February 1, 2015. http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF_Recommendations.pdf, p. 7.

⁹ Ibid.

¹⁰ Ibid, p. 24.

¹¹ Ibid, p. 8.

¹² Ibid, p. 12.

¹³ Ibid, p. 9.

document also published by the FATF, namely the *Best Practice Paper: The Use of the FATF Recommendations to Combat Corruption*.”¹⁴

¹⁴ Financial Action Task Force (FATF) (2013). *Best Practice Paper: The Use of the FATF Recommendations to Combat Corruption*, accessed February 1, 2015, <http://www.fatf-gafi.org/media/fatf/documents/recommendations/BPP-Use-of-FATF-Recs-Corruption.pdf>.

Commitment 12.8; Non-Classified Report Publication

Commitment Title:	Publishing non-classified reports of public institutions	Number:	12.8
Implementing Actor: <i>(as in NIS)</i>	Government (ministries/institutions and departments)	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – continuous
Full text: <i>(as in NIS)</i>	Public institutions should regularly publish their non-classified reports (as defined by the Law of Protecting State Secrets and Documents).		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input checked="" type="checkbox"/> Unclear

Background

The commitment refers to the Protecting State Secrets and Documents Law No. 50 of 1971.¹ However, this is a Provisional law, meaning that at the time of passing, there was no parliament in session and the government approved it without their permission on a temporary basis. According to Article 94 of the Constitution, any provisional law can only be approved in three cases, namely in case of “a. General disasters; b. The state of war and emergencies; c. The need for necessary and urgent expenditures which cannot be postponed.”² Additionally, it states that “The provisional laws – which should not violate the provisions of the Constitution – shall have the force of law, provided they are placed before the Parliament in the first sitting it holds.”³ This provision was added to the Constitution in 2011, yet seeing as since the addition of this provision the Law was not revised.

Furthermore, its relevance to the commitment is difficult to assess due to vagueness of terms and breadth of provisions. There are definitions of various levels of secrecy/classification, yet these definitions are so broad that practically any document could be considered as one of the three off-limits classifications; ‘highly confidential’ (Article 3 -5), ‘confidential’ (Article 6-7), and ‘restricted’ (Article 8-9). The sanctions for exposing or stealing documents labeled in any of the above three classifications range from hard labor to death.

Most importantly, the commitment suggests that there are specific clauses in the Law which will guide the publication of non-classified documents. However, this is not the case. Article 10 refers to any other law, in addition to Law 50 of 1971,

¹ The Hashemite Kingdom of Jordan, Protecting State Secrets and Documents Law [In Arabic] No. 50, 1971. Official Gazette 2315, August 1, 1971.

² The Hashemite Kingdom of Jordan, 2011 Constitution of Jordan, Article 94, Section 1.

³ Ibid.

needing to be taken into account in the safekeeping of “ordinary documents.” The wording of the commitment, “non-classified reports” is vague and in combination with the breadth of provisions of the Law, any document can be considered classified upon judgment of relevant employees. For example, merely by stating that information which is contained in the report can “damage citizen morale” it is justified for this document to be classified, as per Article 8D.

Additionally, Article 18 states that “The Cabinet, upon approval from the King, is to issue regulations for the implementation of the provisions of this law.” These have not been issued.

Regarding the accessing of non-classified information, one could consider the Right to Access to Information Law No. 47 of the year 2007⁴ applicable to this commitment, while it is not stated therein. This Law stipulates that requests for information are to be adhered to per special request form (Article 9). Thus while it is related to providing information to citizens, this law states it is to be done upon request thus only has limited relation to the commitment which suggests the voluntary presentation of information in accordance with the Protection of State Secrets and Documents Law. The research team could not discover any governmental initiative to amend this law in the previous years, with the exception of the year 2005. In this year, the president of the Higher Media Council, Ibrahim Izzaddin, held an interview with Al Dustour newspaper, and spoke of a recent draft Protection of State Secrets and Documents Law having been sent to the House of Representatives.⁵ The government submitted a proposal to make amendments to the 2007 law in 2012,⁶ which have not been discussed to date leaving the un-amended law in force.

Implementation of Commitment

Due to both the vagueness of the commitment as well as the Law that is to guide the institutions, it is difficult to assess whether and to what degree it has been started or implemented. It is also found that while the commitment encourages dissemination of reports by public institutions, it simultaneously places discretionary limitations and restrictions on its publication. Consequently, it is questionable how seriously it addresses the aim of public transparency.

Best Practices and Recommendations

⁴ The Hashemite Kingdom of Jordan, Right to Access to Information Law [In Arabic] No. 47, 2007. Official Gazette 4831, June 17, 2007.

⁵ Al Dustour (July 10, 2005). *President of the Council in a dialogue with Al Dustour: Ibrahim Izzadin: Higher Media Council an independent party not involved in the return of the Ministry of Information* [In Arabic]. Accessed February 1, 2015, <http://goo.gl/IwfG1G>.

⁶ Petra News Agency (September 1, 2012). *Approval of the draft law amending the Right to Access to Information Law* [In Arabic]. Accessed online February 1, 2015, http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=82406&CatID=13.

The Council of Europe has a Convention on Access to Official Documents,⁷ which states that “Limitations on this right are only permitted in order to protect certain interests like national security, defence or privacy.”⁸ However, this convention has only been signed by 10 countries.

The NGO “Article 19” compiled a set of principles which should be adhered to in legislation regarding freedom of information, which was endorsed by the UN Special Rapporteur on Freedom of Opinion and Expression, and the Organization of American States’ Special Rapporteur on Freedom of Expression.⁹ Principle 4 refers to “Limited Scope of Exceptions”, and further details that “Non-disclosure of information must be justified on a case-by-case basis.”¹⁰

Other than this there are more documents and guidelines referring to the actual access to information than to the principle of disclosure of reports. Naturally, the principle of transparency which is a red line throughout the majority of best practices applies here, thus the commitment would work in line with best practices to some degree regardless. However, the Government of Jordan may benefit from looking at specific examples. For example, in the United Kingdom Official Secrets Act of 1989,¹¹ Article 7 specifies exactly what is allowed to be disclosed, in addition to numerous articles defining confidential documents and information. Additionally, the law has a specific definition of the term ‘disclosure’; “in relation to a document or other article, include parting with possession of it.”¹² Thus this is a slightly more elaborate law than the one being implemented in Jordan, specifically regarding the definition of ‘disclosure’.

Also constructive to consider is that in general, most nations have a statute of limitation on the secrecy of documents, where information is made public depending on the level of classification attached to it in various time intervals of for example 50, 75, and 100 years. It is advisable for Jordan to incorporate this into the Law as well.

Additionally, information included in the analysis of the various commitments within this report regarding disclosure of information can be applied as general principles, regardless of the nature of this information.

⁷ Council of Europe. *Convention on Access to Official Documents*. Accessed February 1, 2015, <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=205&CM=1&CL=ENG>.

⁸ Ibid.

⁹ Article 19 (1999). *The Public's Right to Know: Principles on Freedom of Information Legislation*, accessed February 1, 2015. <http://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>, p. iii.

¹⁰ Ibid, p. 5-6.

¹¹ United Kingdom Legislation. *Official Secrets Act 1989*. Accessed February 1, 2015, <http://www.legislation.gov.uk/ukpga/1989/6/section/7>.

¹² Ibid, Article 13-1.

Commitment 14.1, 14.2; Media Legislation and Access to Information

Commitment Title:	Revisiting media-related legislation	Number:	14.1
Implementing Actor: <i>(as in NIS)</i>	Prime Ministry, Media institutions	Timeline: <i>(as in NIS)</i>	First quarter 2014- third quarter 2015
Full text: <i>(as in NIS)</i>	Revisiting media-related legislation in coordination with the concerned professional association and other parties within the profession to ensure the highest degree of media freedom, adherence to professionalism and prevention of character assassination, with focus on the role of the media in combating corruption and building the integrity system.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Protecting access to information	Number:	14.2
Implementing Actor: <i>(as in NIS)</i>	Prime Ministry, Media institutions	Timeline: <i>(as in NIS)</i>	First Quarter 2014- Third Quarter 2015
Full text: <i>(as in NIS)</i>	Working out legislative frameworks to define the legal responsibility of those who obstruct the dissemination of the information which the public has the right to know (right of access to information).		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The legal framework for media in Jordan has evolved greatly in recent years and continues to be changing in response to new challenges and opportunities opened up by the rise of electronic media in the country. The rapidly changing legal and regulatory environment for press freedom in recent years has led to both cooperation and disagreement among media outlets and the government, showing

that there are a number of issues for media and regulators that still must be decisively resolved in the near future.

Article 15 of the 1952 Constitution stipulates a limited freedom and expression for citizens as well as limited freedom of the press for Jordanians,¹ and that newspapers can be regulated by law.² Amendments to this article passed in 2011 added guaranteed freedoms for scientific research; innovation of art, culture, and sports; freedom of press and media; and newspapers' freedom from arbitrary suspension, except by judicial order or in the case of martial law or an emergency.³

The laws that deal with media, publications, and media-related crimes include the Press and Publications Law, the Penal Code, the Journalists' Union Law, the Law on the Right to Access Information, the Law on Protecting State Documents and Secrets, the Law on Information Systems Crimes, the State Security Court Law, the Code of Criminal Procedure, the Contempt of Court Law, the Juveniles Act, the Law on the state Audio-Visual Commission, the News Agency Law, and the Law on the Radio and TV Agency.

The most significant of these laws for governing the media is the Press and Publications Law No. 8 of 1998, which governs media outlets in the country.⁴ Article 3 of this law guarantees the right to freedom of opinion and expression to all citizens. It requires people wishing to practice journalism to be members of the press association (Articles 2 and 10), and it requires large registration fees for publications, which must register with the Ministry of Information (Article 12-13, currently entitled the Media Commission). According to an amendment in 1999, the chief editor of a media publication must have been a member of the press association for no less than 4 years (Article 8 amending Article 23).⁵ The law criminalizes publications insulting religions, harming the dignity, freedoms, or reputation of individuals (Article 38) as well as those insulting friendly states, cause criminal attacks to the country, among other things (Article 118). The Penal Code also criminalizes publications disparaging the King and the Royal family.⁶

The most important amendment to the Press and Publications Law as per Law No. 32 of 2012,⁷ is the creation of a special criminal tribunal for dealing with media-related crimes within the Court of First Instance and the Court of Appeal, including civil and criminal cases and those related to publications that endanger state security. The law stipulates that these types of cases are to be expedited (Article 3

¹ The Hashemite Kingdom of Jordan, 1952 Jordanian Constitution. Article 15, Section 1 and 3.

² Ibid, Article 15, Section 6.

³ The Hashemite Kingdom of Jordan, 2011 Constitution of Jordan, Article 15, Section 2, 4, and 5.

⁴ The Hashemite Kingdom of Jordan, Press and Publications Law [In Arabic] No. 8, 1998. Official Gazette 4300, September 1, 1998.

⁵ The Hashemite Kingdom of Jordan, Amended Press and Publications Law [In Arabic] No. 30, 1999. Official Gazette (unlisted).

⁶ The Hashemite Kingdom of Jordan, Penal Code [In Arabic] No. 16, 1960. Official Gazette 1487, January 1, 1960, Article 12, 13.

⁷ The Hashemite Kingdom of Jordan, Amended Press and Publications Law [In Arabic] No. 32, 2012. Official Gazette 5179, September 19, 2012.

amending Article 42). However, the parts of the amended law that have attracted the most attention are those that update provisions on registration for print and electronic publications.

Article 5 of the Amended Press and Publications Law of 2012 revises Article 49 of the original law to stipulate that any traditional or electronic media outlet publishing articles on the “internal or external affairs of the Kingdom” must register for a license from Jordan’s Media Commission, the overseeing body responsible for media outlets in the Kingdom. The director of the Press and Publication Department determines which websites must be registered, and they must register within 90 days. The article includes “user generated content” as press material, meaning that owners of media websites are responsible for comments that readers post on their websites. The Amended Law also amends Article 38 of the original law, which previously criminalized “offending individuals’ dignity and freedom,” replacing it with “any statements including contempt, slander, or defamation of people as well as anything affecting their freedom” (Article 2 Amending Article 38).

In 2013, Jordan’s Press and Publication Department implemented Article 49 of the Amended Press and Publications Law which requires electronic media outlets to register with the commission. The department issued requests to electronic media outlets to register, and on June 2, 2013, it issued requests to internet service providers in the country to block a specific list of non-complying websites, which numbered 250-300 internet media outlets by different counts.⁸ Several media publishers brought a suit to the Higher Court of Justice in 2013 to repeal the decision by the Media Commission,⁹ but it was unsuccessful.

These recent policy changes and the implementation of Article 49 of the Amended Press and Publications Law have attracted criticism and protest from members of media groups and independent journalists. Members of the media sector protested the release of the 2012 draft Amended Law,¹⁰ the final passage of the law, and the decision by the Media Commission to implement the law by shutting down electronic media outlets. Representatives of the media and civil society organizations have stated that the rapidly changing legislative environment for media in Jordan has had a negative impact on the freedom of press,¹¹ and in a 2013 report, the National Center for Human Rights report in 2013 criticized press and

⁸ Center for Protecting the Freedom of Journalists (June 3, 2013). *Authorities block hundreds of websites in Jordan*, accessed January 15, 2015, <https://www.cpj.org/2013/06/authorities-block-hundreds-of-websites-in-jordan.php>.

⁹ The Jordan Times (July 29, 2013). *News website owners to sue gov’t over press law*, accessed January 15, 2015, <http://jordantimes.com/news-website-owners-to-sue-govt-over-press-law>.

¹⁰ Hani Hazaimah, The Jordan Times (August 23, 2012). *Gov’t defends press law amendments amid backlash from journalists*. Accessed December 24, 2014, <http://jordantimes.com/govt-defends-press-law-amendments-amid-backlash-from-journalists>.

¹¹ Al Ghad (May 3, 2014). *Freedom of the Press. Save Jordan’s Reputation!* [In Arabic]. Accessed December 24, 2014, <http://goo.gl/G40dka>.

media restrictions.¹² Journalists, media representatives, and members of civil society working on media and publication issues have expressed serious concerns about the current legal regime, stating that restrictions to published content are vague, broad, and susceptible to selective enforcement by government agencies.¹³

Under Jordan's Penal Code, defamation and libel are crimes punishable by prison terms.¹⁴ In an environment with serious restrictions to free speech, Jordan has still seen recent prominent cases of journalists being imprisoned for their writings.¹⁵ In 2014, the chief editor of Al Ghad daily newspaper was charged by an Amman prosecutor for violation of Articles 5 and 7 of the Press and Publications Law because she criticized members of Parliament in an article, but the case was dismissed by the Prosecutor general.¹⁶

It is noteworthy to mention that this commitment matches closely with a similar commitment in Jordan's National Agenda for 2006-2015, which under the Political Inclusion and Development Theme discusses supporting Freedom of the Media by "revisit[ing] media legislation out of conviction of the word and spirit of Article 15 of the Constitution."¹⁷

Regarding access to information (14.2), the Jordanian Constitution does not specifically address the topic of access to information, except for Article 17 which protects citizens' rights to "address the public authorities on any personal matters affecting them or on any matter relative to public affairs, in such a manner and under such conditions as may be prescribed by law."¹⁸ According to a report by Jordan's National Center for Human Rights, Jordan is a member of a number of international instruments obligating it to protecting the Freedom of Information, including the international Convention on Civil and Political Rights, the Arab Charter

¹² Dana Al Emam, The Jordan Times (December 14, 2014). *Media should be given bigger role in anti-graft drive—MP*. Accessed December 24, 2014, <http://jordantimes.com/media-should-be-given-bigger-role-in-anti-graft-drive---mp>; and Mohammed Ghazal and Khetam Malkawi, The Jordan Times (December 7, 2014). *Media experts call for raising ceiling of press freedom*. Accessed December 24, 2014, <http://jordantimes.com/media-experts-call-for-raising-ceiling-of-press-freedom>.

¹³ Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015.

¹⁴ The Hashemite Kingdom of Jordan, Penal Code [In Arabic] No. 16, 1960. Official Gazette 374, January 1, 1960, Articles 122-128.

¹⁵ Mohammad Ghazal, The Jordan Times (January 29, 2015). *Press association, media watchdog call for release of Saraya news journalists*. Accessed February 24, 2015, <http://jordantimes.com/press-association-media-watchdog-call-for-release-of-sarayanews-journalists>.

¹⁶ Mohammed Ghazal, The Jordan Times (October 29, 2014). *Case against Al Ghad chief editor dismissed*. Accessed December 24, 2014, <http://jordantimes.com/case-against-al-ghad--chief-editor-dismissed>.

¹⁷ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation (October 2005). 2006-2015 *National Agenda*, accessed December 24, 2014, <http://inform.gov.jo/en-us/By-Date/Report-Details/ArticleId/5/2006-2015-National-Agenda>, p. 11.

¹⁸ The Hashemite Kingdom of Jordan, 2011 Constitution of Jordan, Article 17.

on Human Rights, the Convention on the Rights of the Child, and the United Nations Anti-Corruption Convention.¹⁹

Prior to 2007, access to information in Jordan was addressed in the Press and Publications Law No. 8 of 1998 and limited its applicability to journalists only. In Article 8 the law specifically stated that “a journalist has the right to gather information, and it is the responsibility of all official bodies and public agencies to facilitate this work and to help the journalist understand their programs, projects, and plans.”²⁰ The same article prohibited anyone from restricting the flow of information to citizens, and stipulated that government agencies should respond to requests for information within two weeks for non-urgent requests. It also stipulates that journalists should be able to attend meetings of the parliament as well as the meetings of parties, trade unions, associations and other public bodies, as well as other public shareholding companies, and that they should not be compelled to disclose their sources of information.²¹

In 2007, Jordan became the first Arab country to pass an Access to Information Law.²² The law enshrines citizens’ rights to access information, accompanied with a number of vague provisions governing how people might access information.

The Right to Access to Information Law stipulates that every Jordanian has the right to request information as long as they can demonstrate a “lawful interest” or “legitimate” reason.²³ Articles 7-8 of the law guarantee the rights of citizens to information and directs the public institutions to comply quickly with citizens’ requests. Government officials must work to index their offices’ information,²⁴ and must respond to requests for information within 30 days of receiving the request. If the government refuses to provide the information or if the information is not available or has been destroyed, this must be accompanied by an official statement explaining the reasons.²⁵ The law requires the applicants to bear the costs of providing copies of the information.²⁶ In case of information being classified, the government should release as much as possible.²⁷

¹⁹ Dr. Ali Al-Dabbas, National Center for Human Rights (May 2008). *Right to Access to Information in the Hashemite Kingdom of Jordan*, accessed February 10, 2015, <http://www.nchr.org.jo/english/ModulesFiles/PublicationsFiles/Files/Information-Eng1%20%282%29.pdf>, p. 4-6.

²⁰ The Hashemite Kingdom of Jordan, Press and Publications Law [In Arabic] No. 8, 1998. Official Gazette 4300, September 1, 1998, Article 8.

²¹ Ibid.

²² Yahya Shukkeir, Global Information Society Watch (2009). *Jordan, 2009 Report: Access to Online Information and Knowledge*, accessed February 3, 2015, <http://www.giswatch.org/country-report/20/jordan>.

²³ The Hashemite Kingdom of Jordan, Right to Access to Information Law [In Arabic] No. 47, 2007. Official Gazette 4831, July 17, 2007.

²⁴ Ibid, Article 14.

²⁵ Ibid, Articles 9 and 12.

²⁶ Ibid, Article 11.

²⁷ Ibid.

The law stipulates the creation of an Information Council chaired by the Minister of Culture with assistance of an Information Commissioner. The council's membership is composed of the Secretary General of the Ministry of Justice, the Secretary General of the Interior Ministry, the Secretary General of the Higher Media Council, the General Director of the Department of Statistics, the General Director of the National IT Center, the General Director of Moral Guidance for the Armed Forces, and the General Commissioner for Human Rights.²⁸ The commission's tasks include ensuring that information is provided to citizens, following up and resolving citizen complaints about access to information, promoting access to information, and reporting annually to the Prime Minister on thereof in the country.²⁹

Some other articles are not in line with international standards because of some vague information and poor information quality. For example, Article 10 lists information that cannot be requested and including any information related to discrimination on "religion, ethnic, racist, gender, or skin color." Article 13 lists a number of types of information that cannot be released. These include any documents or information protected by law, classified documents, secrets of security, defense, or foreign policy, information related to advice or suggestions given to decision makers before a final decision has been taken including correspondence between government departments, personnel files including information on people's educational, financial, or performance records, any personal or secret communications between government employees, information about ongoing criminal cases, or any information that could lead to a breach of intellectual property and copyright protection.³⁰

People who wish to appeal refusals of information may take their complaints to the Information Council or the High Court of Justice within 30 days of the refusal. In either case, the body has 30 days to make a final ruling. In case a citizen makes a complaint to the Information Council that is denied, they may appeal to the High Court of Justice.³¹

The Right to Access to Information Law has been alternatively praised by Jordanian citizens, journalists, and civil society activists for representing a good first step for the Arab region as well as being criticized for not going far enough to protect citizens' rights to information. Important problematic issues in this law include Articles 10 and 13, which broadly define the types of classified material officials may not release, Article 4 which does not adequately define the role of the Information Council, Article 9, which sets a long time frame for responding to requests, and Article 11, forcing citizens to pay the costs of providing information. In addition, the law does not stipulate any consequences for agencies that do not reply with requests for information. Prominent figures in government, media, and civil society have pointed out that in order to truly support Jordanian citizens in gathering

²⁸ Ibid, Article 3.

²⁹ Ibid, Article 4.

³⁰ Ibid, Article 13.

³¹ Ibid, Article 17.

information, there should be fewer exceptions to what kind of information is restricted, and there should not be heavy costs and burdens for those wishing to obtain information (such as proving why they need it or paying the costs of its provision). In addition, a shorter period for responding to requests would support citizens' rights to information.³² Others have noted that there is a need for revising the 1971 Law on Protecting State Secrets and Documents to ensure there are no contradictions between it and the Law on Access to Information,³³ since the former governs a wide range of government information and imposes extremely strict punishments for government officials who provide protected information.³⁴

In Jordan's First National Action Plan for participation in the Open Government Partnership for 2012-2013, the government committed to amending the law during the two year timeframe.³⁵ In 2012, the Cabinet approved a draft law amending the 2007 Right to Information Law. The law, which was sent to the National Steering Committee in the Parliament,³⁶ contains a number of key provisions strengthening the right to obtain information. These include requiring that the Information Council report to the Prime Minister and to the entire Parliament; adding the Presidents of the Journalists' and Lawyers' Unions to the membership of the council; and giving foreigners the right to obtain information with a legitimate reason. The draft amended law would also shorten the periods for officials to respond to requests for information from 30 to 15 days. Similarly, the amount of time for appeals of decisions to the Information Council and the period for the Council to respond to those appeals are shortened from 30 to 15 days.³⁷ To date, these have not been discussed, leaving the un-amended law in force.

Amending the Right to Access to Information Law is one of the key goals of the Jordanian national Media Strategy, a document created by the Jordanian Executive Branch for improving the quality of the media sector and its regulatory frameworks in the Kingdom. The strategy was approved by the Council of Ministers in 2011 and covers the period 2011-2012.³⁸ The strategy prioritizes revising a number of key

³² Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015.

³³ The Hashemite Kingdom of Jordan, Protecting State Secrets and Documents Law [In Arabic] No. 50, 1971. Official Gazette 2315, August 1, 1979.

³⁴ Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015. *and*: Amer Bani Amer and Mai Eliemat, Al Hayat Center for Civil Society Development (2013). *Independent Reporting Mechanism: Jordan Progress 2012-13: Jordan*, accessed December 20, 2014, <http://www.opengovpartnership.org/country/jordan/progress-report/progress-report>, p.40.

³⁵ Hashemite Kingdom of Jordan (February 2013). *The Open Government Partnership, Jordan: National Action Plan First Progress Report*. Accessed October 30, 2014. <http://goo.gl/lum0zS>.

³⁶ Petra News Agency (September 1, 2012). *Approval of the draft law amending the Right to Access to Information Law* [In Arabic]. Accessed February 1, 2015, http://petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=82406&CatID=13.

³⁷ Yahya Shukkeir, Freedominfo.org (October 29, 2012). *Jordan Council Approves Modifications to FOI Law*. Accessed February 1, 2015, <http://www.freedominfo.org/2012/10/jordan-council-approves-modifications-to-foi-law/>.

³⁸ Amman Net (June 23, 2011). *Text of the National Media Strategy is Published* [In Arabic]. Accessed February 1, 2015, <http://ar.ammannet.net/news/112425>.

pieces of legislation, including both the 2007 Right to Access to Information Law and the 1971 Protection of State Secrets and Documents Law. Specifically, the plan says that the Right to Access to Information Law should be amended to facilitate access to information via the internet, while the Protection of State Secrets and Documents Law should be amended to comply with Article 19 of the International Covenant on Civil and Political Rights, which guarantees citizens the right to accessing information.³⁹

Implementation of Commitment

No amendments to the above pieces of legislation during the beginning of the commitment period for 14.1 (First Quarter 2014) through December 2014 were found. Likewise, research did not reveal any steps taken to revise the Right to Access to Information Law or to define the responsibility of officials to release information. During consultations conducted with stakeholders from CSOs and the media, they expressed that the lack of access to information was a serious problem, and that revising the law remains a top priority for them. At the same time, none of the stakeholders reported that they had been invited to any consultations with the government on this issue, nor were they aware of any efforts during the 2014 to revise the law.⁴⁰ Consequently, the commitment is assessed as not having started.

Best Practices and Recommendations

Internationally respected guidelines call for the protection of freedom of expression, which includes information or ideas “that may be regarded as critical or controversial by the authorities or by a majority of the population” as well as “commentary on one's own or on public affairs, canvassing, discussion on human rights, journalism, scientific research, expression of ethnic, cultural, linguistic and religious identity.”⁴¹ Furthermore, best practices state that “means of expression can include books, newspapers, pamphlets, posters and banners as well as all forms of audio-visual, electronic and internet-based modes of expression.” United Nations comment 34 on the International Covenant on Civil and Political Rights provides comprehensive guidelines for ensuring media freedom and freedom of expression.⁴²

According to best practices “international human rights law does not permit placing restrictions on the exercise of freedom of expression, solely in order to protect notions such as religions, cultures, schools of thought, ideologies or political doctrines.”⁴³ Further, it stresses a careful implementation of defamation laws as an unjust enforcement of the law may create a fear of imprisonment that leads to

³⁹ The Hashemite Kingdom of Jordan, Prime Ministry. *The National Media Strategy*. Accessed February 1, 2015, http://www.pm.gov.jo/arabic/index.php?page_type=pages&part=1&page_id=430.

⁴⁰ Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015.

⁴¹ European Union External Action Service (May 2014). *EU Human Rights Guidelines on Freedom of Expression Online and Offline*, accessed January 20, 2015, <http://goo.gl/H8ja69>, p. 4.

⁴² United Nations Human Rights Committee (2011). *General Comment No. 34 on the International Covenant on Civil and Political Rights*, accessed January 21, 2015, <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>, Paragraph 12.

⁴³ European Union External Action Service, p. 16.

strong self-censorship.⁴⁴ The International Covenant on Civil and Political Rights stipulates two cases where restrictions to the freedom of expression may be justified: (1) “For respect of the rights or reputations of others”; and (2) “For the protection of national security or of public order, or of public health or morals.” The restrictions need to be provided for by [transparent and accessible] law, and applied only when necessary.⁴⁵

Free media is a key to good governance and fighting corruption, meaning that implementing the commitment in line with best practices could help facilitate the transformation of Jordan towards becoming a country and society characterized by transparency and accountability.

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Jordan is signatory, protects the right to freedom of expression, including the “freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”⁴⁶

The Principles of Freedom of Information compiled by the international ARTICLE 19 Campaign represent a set of clear principles and best practices that have been well recognized in the international arena. The 9 principles are general guidelines for states wishing to support access to information, and include:

1. **Maximum disclosure:** Access to information laws should be defined as broadly as possible and should give citizens access to the largest possible amount of information. Public bodies should also work to keep records for a reasonable amount of time without destroying them.
2. **The obligation to publish:** Promoting access to information means more than just providing information to those who request it; it means actively publishing information and making it to the public on an ongoing and voluntary basis.
3. **Promotion of open government:** Officials throughout the government should work to promote a culture of openness and to promote general information sharing and communication with citizens.
4. **Limited scope of exceptions:** Only a small amount of information should be restricted from sharing, and this should be clearly defined by the law. No public bodies should be entirely exempt from sharing information.
5. **Processes to facilitate access:** There should be procedures for requests to be processed quickly, and there should be clear mechanisms to appeal decisions.
6. **Costs:** The government should ensure that the costs of requests don’t prevent or discourage citizens from accessing information.

⁴⁴ Ibid, p. 7.

⁴⁵ United Nations Human Rights Committee, paragraph 21.

⁴⁶ IFEX (September 6, 2012). *Jordanian Government Approves Repressive Media Bill*. Accessed February 10, 2015, https://www.ifex.org/jordan/2012/09/06/reporters_without_borders/.

7. **Open Meetings:** Opening up meetings of government bodies is an important way of making information available to the public.
8. **Disclosure takes precedence:** Legal frameworks should be made consistent with access to information laws.
9. **Protection for whistleblowers:** Those who release information about crimes or dangers to the public, in the good faith that they are working for the public good, should be protected from punishment and prosecution.⁴⁷

A number of organizations, including UNESCO, have pointed out that freedom of information, in addition to robust freedom of the press, can yield immense benefits for countries as they empower citizens to support efforts to increase poverty, promote inclusive development, and ensure peace and stability.⁴⁸

⁴⁷ ARTICLE 19 (June 1999). *The Public's Right to Know: Principles on Freedom of Information Legislation* accessed February 11, 2015, <http://www.article19.org/data/files/medialibrary/1797/public-right-to-know.pdf>.

⁴⁸ UNESCO (2014). *Concept note: Media Freedom for a Better Future: shaping the Post-2015 Development Agenda*, accessed February 14, 2015, <http://goo.gl/gcuKmK>.

Commitment 14.3; Restructuring Media Institutions

Commitment Title:	Restructuring institutions in the media sector	Number:	14.3
Implementing Actor: <i>(as in NIS)</i>	Ministry of Public Sector Development, Media institutions	Timeline: <i>(as in NIS)</i>	First quarter 2015 - Fourth quarter 2015
Full text: <i>(as in NIS)</i>	Restructuring institutions in the media sector with the aim of improving their performance.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Media in Jordan has typically been regulated by two sets of institutions; those governing print and publications, and those governing audio and visual media. More recently, as internet news has become prominent throughout the country, the laws governing internet and electronic communication have become increasingly important for the media sector.

As discussed in the section on Commitment 14.1, the Press and Publications Law of 1998, most recently revised in 2012, lays out the basic framework for the regulation of print media in the country. The law creates the Print and Publications Bureau, which is responsible for regulating print media in the country.¹

The Telecommunications Law of 1995 created an independent Telecommunications Regulatory Commission (TRC) reporting to the Council of Ministers.² The TRC works closely with the Ministry of Information and Communications Technology and media institutions to regulate telecoms and websites. For the last decade, radio, TV, and web media in Jordan have been governed by the Audio Visual Media Commission pursuant to the Audiovisual Media Law No. 71 of 2002.³ The law creates the Commission under the supervision of the Minister of Information, and is responsible for regulating the audio-visual media sector in Jordan, which is defined

¹ The Hashemite Kingdom of Jordan, Press and Publications Law [In Arabic] No. 8, 1998. Official Gazette 4300, September 1, 1998, Article 2.

² The Hashemite Kingdom of Jordan, Telecommunications Law [in Arabic] No. 13, 1995. Official Gazette 4072, October 10, 1995.

³ The Hashemite Kingdom of Jordan, Audiovisual Media Law [in Arabic] No. 71, 2002. Official Gazette 4576, December 16, 2002.

as including radio and television.⁴ Noteworthy is that the first Jordanian news website, Amman News, was only launched in 2006.⁵ The Commission is tasked with licensing audio-visual media organizations, including both radio and television outlets.⁶

In 2004, the Parliament passed the Higher Media Council Law No. 26, creating a Higher Media Council reporting directly to the Prime Minister. The Council was tasked with implementing laws related to regulation of media as well as strengthening the quality and professionalism of the media sector.⁷ More specifically, the Council was charged with developing plans to strengthen the media sector, supporting trainings and capacity building activities, issuing regulations to support implementation of related laws, ensuring freedom of expression, resolving conflicts in the sector, and other competencies.⁸ The Higher Media Council was cancelled by law in 2008,⁹ after proving to be unpopular among both government and civil society actors.¹⁰

In 2013, there were calls by MPs and other figures in the media sector to create an independent commission to monitor the media sector, avoiding the mistakes of the 2008 higher media council reform, which was said to have restricted the media rather than facilitating its growth.¹¹

Implementation of Commitment

In 2014, the Parliament passed the Restructuring Government Institutions Law No. 17, which revises the structure of several key government institutions, including those responsible for regulating the media.¹² The law combines the Audio Visual Communication Commission and the Print and Publications Bureau under the single umbrella of the Media Commission.

Article 5 of the law overrides Temporary Law No. 71 of 2002 on Audio-Visual Communication to modify the Audio-Visual Communication Commission to become the Media Commission, which answers to the Prime Minister or any designated

⁴ Ibid, Article 2.

⁵ Open Society Foundations (October 10, 2013). *Mapping Digital Media: Jordan*, accessed April 1, 2015, <http://www.opensocietyfoundations.org/sites/default/files/mapping-digital-media-jordan-20131121.pdf>, p. 69.

⁶ The Hashemite Kingdom of Jordan, Audiovisual Media Law, Article 8.

⁷ The Hashemite Kingdom of Jordan, Higher Media Council Law [In Arabic] No. 26, 2004. Official Gazette 4669, August 1, 2004.

⁸ Ibid, Article 9.

⁹ The Hashemite Kingdom of Jordan, Canceling the Higher Media Council Law [In Arabic] No. 57, 2008. Official Gazette 4940, December 1, 2008.

¹⁰ Joseph Awda, Al Shorfa (December 11, 2008). *Jordan abolishes Higher Media Council*, accessed April 1, 2015, http://al-shorfa.com/en_GB/articles/meii/features/2008/12/11/feature-03.

¹¹ Mohammad Ghazal, The Jordan Times (November 27, 2013). *Media Insiders Call for Independent Commission to Regulate Sector*. Accessed April 1, 2015, <http://jordantimes.com/media-insiders-call-for-independent-commission-to-regulate-sector>.

¹² The Hashemite Kingdom of Jordan, Restructuring Government Institutions Law [In Arabic] No. 17, 2014. Official Gazette 5283, April 30, 2014.

minister. The law overrides existing laws to cancel the Press and Publications Bureau and transfer its competencies to the Media Commission. The article stipulates that the regulation of television and radio infrastructure should be the competency of the Telecommunications Regulatory Commission. The law also stipulates that the Jordanian national news network Petra is responsible for disseminating news reports.¹³

According to the interpretation of the Ministry of Public Sector Development, which was responsible for implementing the commitment, the passage of the 2014 law represents the completion of this commitment. The law did in fact combine two different media commissions and their competencies into one commission, simplifying the administrative structures.¹⁴ Therefore, in agreement with the government, this commitment is considered as completed.

As of now, it remains to be seen how the changes will be reflected in day to day regulation and policymaking. Awareness about this change is relatively low, and it remains unclear exactly how much of the mandated unification between the two agencies has taken place. Media sector actors who were consulted on the issue did not believe that the new structure and the presence of the Media Commission had qualitatively changed the conditions of their work. Journalists and other media workers still felt that regulatory conditions needed to be changed to give them more freedom to publish news, especially in the arena of electronic media.¹⁵

Best Practices and Recommendations

While many countries choose to allow their media sectors to regulate themselves, a number of countries have press or media councils to help ensure the quality and professionalism of media outlets and the information they produce.¹⁶ In Sweden, for example, most media regulation is done by a system set up by the media industry itself which includes a press council, a press ombudsman, and a shared code of ethics. Together, the two bodies and the code help the media industry to regulate itself, promote professionalism in the industry, and protect the public from journalistic crimes without government interference.¹⁷ Especially for audio-visual media that requires physical infrastructure and often needs regulation of the use of bandwidths, governments can have an important role to play helping to create environments that will foster free and fair expression. Simultaneously, regulations

¹³ Ibid, Article 5.

¹⁴ Eng. Fayed Al Nahar, Monitoring and Evaluation Unit, Ministry of Public Sector Development. *Workflow Matrix for National Integrity System projects with implementation responsibility at the Ministry of Public Sector Development* [In Arabic]. Email communication (unpublished document), March 15, 2015.

¹⁵ Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015.

¹⁶ UNICEF (2014). *Professional Journalistic Standards and Code of Ethics: Key Concepts*, accessed March 26, 2014, <http://goo.gl/FPKb3r>.

¹⁷ Oxford University Centre for Socio-Legal Studies, Program in Comparative Media Law and Policy (April 2004), *Self-Regulation of Digital Media Converging on the Internet: Industry Codes of Conduct in Sectoral Analysis*, accessed April 1, 2015, <http://pcmlp.socleg.ox.ac.uk/sites/pcmlp.socleg.ox.ac.uk/files/IAPCODEfinal.pdf>, p. 23,

should be structured so as to give media outlets the maximum amount of independence and freedom in their work.¹⁸ In order to create regulatory regimes that meet the needs of citizens and the media, the GoJ should seek recommendations and input of a wide spectrum of stakeholders. Incorporating diverse views and priorities into media regulation can ensure that the regulatory structures are effective, fair, and feasible, in addition to ensuring that they protect all citizens' rights to free expression and access to information.

¹⁸ UNESCO (February 2011). *The Importance of Self-Regulation of the Media in Upholding Freedom of Expression*, accessed April 1, 2015, <http://goo.gl/fN8sPc>, p.10.

Commitment 14.4; Good Governance in Civil Society Institutions

Commitment Title:	Activating the developmental and oversight role of civil society institutions and applying the principles of good governance in them	Number:	14.4
Implementing Actor: <i>(as in NIS)</i>	All types of professional associations and societies	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Fourth Quarter 2015
Full text: <i>(as in NIS)</i>	Activating the developmental and oversight role of civil society institutions and applying the principles of good governance in them.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Civil society organizations (CSOs) are commonly understood as those that facilitate activities in pursuit of shared interests outside of the governmental, family, or business spheres.¹ In Jordan, CSOs include social organizations, charities, athletic and youth clubs, non-profit companies, shared interest societies, and some for-profit organizations that work in development. Some CSOs participate in social and economic development and oversight of the government's performance, but this is not the case for all CSOs, which can have diverse goals. By one estimate, there were approximately 5,718 CSOs in Jordan.² Different regulatory regimes govern societies and companies (both for profit and not for profit), as described in more detail below.

Article 16 of the Constitution stipulates that Jordanians can hold meetings and establish societies and political parties as regulated by law.³ CSOs registered as societies are governed under the Societies Law, while CSOs registered as non-profit companies or for profit companies are registered under the Companies Law.

¹ CIVICUS (April 2014). *Accountability for Civil Society by Civil Society: A Guide to Self-Regulation Initiatives*, accessed April 1, 2015, <http://civicus.org/images/stories/CIVICUS%20Self-regulation%20Guide%20Eng%202014.pdf>, p. 23.

² Ibid, 27.

³ The Hashemite Kingdom of Jordan, 2011 Constitution of Jordan, Article 16.

While Societies Law No. 33 of 1966 governed CSOs until recently, a new Societies Law was promulgated in 2008 (No. 51) and was amended in 2009 (No. 22).⁴ The 2008 law simplified the procedures for registering CSOs by creating a central registry for them in the Ministry of Social development; the 2009 amendments expanded on this process by creating a CSO Registration Board overseen by the Minister of Social Development to oversee the registry.⁵ The Registration board is responsible for approving the registration requests of CSOs and assigning their oversight to relevant ministries, following up with the financial reporting of CSOs, and resolving disputes among them,⁶ while the Council's Studies and Development Unit is responsible for investigating and reporting on the state of CSOs in Jordan, and formulating plans and offering help to CSOs achieve their goals and objectives.⁷ The board announced a CSO support fund in 2014 to fund grants of up to 15,000 JOD to support CSO projects throughout the country.⁸

The Societies Law requires new organizations wishing to register to submit the structure of their boards and their members' methods of election as part of their application,⁹ as well as their "rules of good governance and transparency."¹⁰

Companies in Jordan — both profit and non-profit — are registered under the Companies Law No. 22 of 1997 (last amended by temporary amendment 2010). Non-profit companies are additionally regulated by the Non Profit Companies Regulation No. 73 of 2010.¹¹ For profit and non-profit companies must register with the Companies Registry and the Non Profit Companies Registry, units within the Ministry of Industry and Trade.¹² Non-profit companies must report to the Ministry of Industry and Trade within the first three months of each fiscal year on their activities, their sources of funding, audited budgets, the company business plan, projects to be implemented in the coming year, sources of funding for those projects, as well as any other information requested by the Ministry. For profit

⁴ The Hashemite Kingdom of Jordan, Societies Law [In Arabic], No. 51, 2008. Official Gazette 4928, September 16, 2008. Last amended by the Amendment to the Societies Law [in Arabic], No. 22, 2009. Official Gazette 4983, September 16, 2009.

⁵ The Hashemite Kingdom of Jordan, Societies Registry. Accessed April 1, 2015, <http://www.societies.gov.jo/SitePage.aspx?PageId=107>.

⁶ The Hashemite Kingdom of Jordan, Societies Law, Article 5.

⁷ The Hashemite Kingdom of Jordan, Societies Registry. *Values* [In Arabic], accessed April 1, 2015, <http://www.societies.gov.jo/SitePage.aspx?PageId=66>; and Registry for Societies. *Studies and Development Unit* [In Arabic]. Accessed April 1, 2015, <http://www.societies.gov.jo/SitePage.aspx?PageId=113>

⁸ The Hashemite Kingdom of Jordan, Societies Registry. *Declaration of Support for 2015* [In Arabic]. Accessed April 1, 2015, <http://www.societies.gov.jo/SitePage.aspx?PageId=112>.

⁹ The Hashemite Kingdom of Jordan, Amendment to the Societies Law, Articles. 6-7.

¹⁰ *Ibid*, Article 17.

¹¹ The Hashemite Kingdom of Jordan, Companies Law [in Arabic], No. 22, 1997. Official Gazette 4204, May 15, 2007.

¹² *Ibid*, Article 7d.

companies must submit financial reports and budgets to the Ministry as well. Companies also must keep detailed records of decisions and proceedings.¹³

Implementation of Commitment

While the Ministry of Social Development talks about engaging CSOs in its policies, it is not clear how the Ministry and the CSO registration board have specifically worked to strengthen CSOs' good governance or to help them realize their development and oversight roles. The last revision of the Societies Law was done in 2009, and there has been no recent mention in either the King's Speech or in the parliamentary agenda of a reform of the Societies' Law. Regarding the role of civil society institutions in improving their governance in Jordan, this is a commitment that is impossible to measure due to the lack of any objective indicators.

In consultations with CSO representatives, it was found that many CSOs are involved in active efforts to improve their own governance, recognizing the need for constant capacity building and improvement. Most CSOs conduct external audits of their finances, are involved in seeking external support for capacity building and staff training activities, and are currently involved in internal efforts to strengthen the quality of their internal administrations and activities. Most of the CSOs were not involved in government efforts to improve their governance, and there was no clear consensus surrounding the meaning of this commitment.¹⁴

In 2014 the Coordinator for Human Rights in Jordan, announced an effort to consult with different groups in the country including civil society organizations about the conditions of human rights in the country.¹⁵ Efforts such as this to consult with CSOs and include them in conversations about government oversight and human rights promotion are crucial to encouraging CSOs to play an active role in the social and political development of the country as described in the commitment.

Also during 2014, news spread among the civil society sector regarding Government forming a committee to review the bylaws governing CSOs in the Kingdom. This committee and its work were not publicly announced, and no CSOs were invited to take part in its reviews or consultations. The committee made a number of recommendations to the government for revising regulations, including putting the Ministry of Planning in charge of grants and funding coming from non-Jordanian sources. Until now, other results of the committee's work remain unclear.¹⁶ Having this committee work in secret and not involving CSOs in the process is a serious violation of the transparency of the government's work, which is especially significant as it did not give CSOs a chance to contribute to forming the policies that

¹³ The Hashemite Kingdom of Jordan, Non Profit Companies Regulation [in Arabic] No. 73, 2010. Official Gazette 5071, December 14, 2010, Article 9.

¹⁴ Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015.

¹⁵ Jafra News (November 2, 2014). *Al Tarawneh: Jordan is a Model for Human Rights* [In Arabic], accessed April 1, 2015, <http://goo.gl/rahlK2>.

¹⁶ Kamal Mashreqi, Geneva Center for Human Rights. Personal interview, May 9, 2015.

affect them. This, therefore, worked against the commitment's promise to enhance good governance in CSOs and strengthen their roles in development and oversight work. In light of this and the other issues discussed above, this commitment is considered limited, as on the whole no significant efforts have been taken to implement the commitment.

Best Practices and Recommendations

While improving good governance in civil society is a worthy goal, it is first necessary that Jordan defines the term good governance in relationship to civil society. As discussed at length in the chapter on commitments 9.1-9.3, "good governance" is a broad term that encompasses a range of abstract ideas, and a number of international organizations have recognized the fact that the term itself does not describe a specific reform agenda but instead can be a guiding principle for more specific reforms.¹⁷ To make meaningful progress implementing good governance reforms, the government and civil society in Jordan must work together in a collaborative way to decide what elements of good governance best apply to the needs of Jordan. Agreement on priorities would then allow government and CSOs to work together crafting a more specific and actionable plan for reform in the sector.

During consultations with CSOs on the issue of good governance in their sector, the majority of involved stakeholders expressed their feeling that there was a need for better governance among civil society organizations, but that efforts to improve that governance should come from CSOs themselves. The stakeholders acknowledge the prevalence of problems like corruption in the field, while also noting that the quality of governance varied widely from organization to organization. As a general conclusion to the discussion, most CSO representatives believed that it was the right thing to do to require audits of CSOs and to monitor their finances; however, there was near unanimous agreement of the need for safeguards to be put in place to make sure that regulation and financial oversight are not used in a discretionary way to target CSOs for political reasons.¹⁸ This concern is especially salient given the fact that government oversight mechanisms have been used to close a number of CSOs in recent months.¹⁹

¹⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR). *Good Governance and Human Rights.*, accessed April 1, 2015, <http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx>. And: United Nations Economic Commission for Africa (UNECA). *The Role of Parliaments in Promoting Good Governance*, accessed April 1, 2015, <http://www.uneca.org/sites/default/files/publications/role-of-parliament-in-promoting-good-governance.pdf>, p. 8.

¹⁸ Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015.

¹⁹ JordanZad.com (January 27, 2015). *CSOs dissolved for ignoring the government* [In Arabic], accessed May 1, 2015, <http://www.jordanzad.com/index.php?page=article&id=187938>; and Allofjo.Net (February 28, 2015). *24 CSOs have been dissolved since the beginning of 2015*, [In Arabic], accessed May 1, 2015, <http://www.allofjo.net/index.php?page=article&id=88971>; and Al Urdunn Al Yom (September 3, 2014).

In any efforts to strengthen the sector, it is important for the government bodies responsible for overseeing CSOs to play an active role in developing the capacity of civil society organizations, promoting their work, and facilitating it through training and funding. Furthermore, dialogue between the government and civil society should address reforming laws such as the Public Assemblies Law and laws restricting the receipt of foreign funding by CSOs (see Commitments 14.7 and 14.8). Doing this will enable the growth of an environment in which CSOs are able to operate more freely, thus also facilitating the activation of the developmental and oversight role of civil society institutions.

Around the world, a growing number of CSOs are making efforts to strengthen civil society's ability for self-regulation in order to build trust in the civil society sector, maintain integrity and accountability, and avoid the need for legal regimes that might restrict CSOs' abilities to operate. Typically, efforts at CSO self-regulation take one of 3 forms:

1. Setting standards of good practices or professionalism that CSOs agree to adhere to
2. Having peer CSOs act as third party evaluators or watchdogs
3. Asking the government to implement specific regulatory standards for the sector.²⁰

What binds these strands of self-regulation together is that they are undertaken on the initiative of CSOs, and their purpose is not to constrain CSOs but to increase their overall credibility in the society where they work. Different schemes of self-regulation can include codes of conduct and ethics; certification schemes (these can be enforced internally, by peers, or by a third party); information services; topical working groups; and awards schemes.²¹ A great number of specific schemes exist that can be studied and can yield useful lessons for countries like Jordan where currently no self-regulation schemes exist in civil society. At the same time, it is important to recognize the uniqueness of each case and understand that tools should be built for specific contexts.²²

36 CSOs dissolved and their funds transferred to the Societies' Registry [In Arabic], accessed <http://news-jo.net/index.php/news/jordan-today/9032-5352-4515632>; and Al Madinah News (September 6, 2014). *Zarqa: 3 CSOs are Dissolved and 4 are warned* [In Arabic], accessed May 1, 2015 <http://goo.gl/w5tTrZ>.

²⁰ Shana Warren and Robert Lloyd, One World Trust (June 2009). *Civil Society Self-Regulation: The Global Picture, Briefing Paper 119*, accessed April 1, 2015, <http://www.oneworldtrust.org/csoproject/images/documents/CSO-self-regulation-the-global-picture-OWT-119-2009.pdf>, p.2.

²¹ Ibid, p. 5-6.

²² CIVICUS, p. 58.

Commitment 14.5; Good Governance in Professional Associations

Commitment Title:	Applying the principles of good governance in professional associations and encouraging them to develop their respective professions	Number:	14.5
Implementing Actor: <i>(as in NIS)</i>	All types of professional associations and societies	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Fourth Quarter 2015
Full text: <i>(as in NIS)</i>	Applying the principles of good governance in professional associations and encouraging them to develop their respective professions.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

There are 15 professional associations, usually translated in English as “trade unions” or simply “unions”, currently operating in Jordan. These include the associations for: lawyers, medical professionals (doctors), engineers, dentists, nurses and midwives, geologists, press (journalists), agricultural engineers, artists, veterinarians, teachers, construction contractors, pharmacists, legal accountants, and writers.

Some Unions in Jordan have long faced difficult paths to acceptance and recognition under the law. The Teacher’s Union, for example, was only created in 2011 after decades of advocacy and activism to achieve its recognition.¹ In the decades following the complete dissolution of syndicates and political parties in 1956, teachers attempted multiple times to create a union, facing serious resistance from the government which argued that public employees could not join unions under the Constitution. In 2010 tensions between teachers and the Ministry of Education led to a mass movement of teaching professionals, culminating in a ruling by the Supreme Council for Constitutional Interpretation in March 2011 that gave teachers the right to unionize according to Article 16 of the Constitution. The union elected its first council in 2012, its second in 2014, and now has nearly 140,000 members. As the union is young and growing, it faces a number of challenges such as

¹ The Hashemite Kingdom of Jordan, Jordanian Teachers Syndicate. *Historical Background on the Syndicate* [in Arabic]. Accessed February, 10 2015, <http://goo.gl/bNFSXz>.

developing its internal bylaws, as currently a vast majority of the provisions in the bylaws deal only with the election of the board.²

The general framework governing unions is laid out in the Labor Law No. 8 (1996)³ last amended in 2010, which defines labor unions and lays out the general conditions for their incorporation.⁴ The law mandates that each union is to be governed by legislation specific to that union, and contains some provisions about unions. Specifically, it describes general goals and acceptable overall activities for unions⁵ and stipulates that union-specific legislation should contain more detailed goals for them. The law also stipulates what issues the bylaws of the association should address.⁶

The Labor Law and its amendments address several areas pertaining to the governance of unions. It stipulates specifically that money in the unions should be spent according to the bylaws, and the Audit Bureau should oversee their finances. Before April of each fiscal year, unions are to submit their budgets and accounting information for the previous year approved by a certified auditor to the unions' register.⁷ The law also specifies that unions can be dissolved if they fail to comply with the law,⁸ and that the Ministry of Labor can mediate disputes within or between unions.⁹ Finally, the law stipulates that the Council of Ministers can adopt any regulations needed to implement the law.¹⁰

While each union is governed by its own individual law and subsequent bylaws and regulations, each of these laws stipulate the following:

- Goals of the union
- Conditions of membership
- The mechanisms of membership and union meetings
- The general framework for elections and choosing leaders (with details specified in their bylaws)
- Their organizational structure and mechanisms for leadership
- Governance of financial resources
- Disciplinary measures and conflict resolution
- Articles giving the government the right to issue regulations and authority to implement them

² Ibid.

³ The Hashemite Kingdom of Jordan, Labor Law [In Arabic] No. 8, 1996. Official Gazette 4113, April 16, 1996; *and* Amendment to the Labor Law [In Arabic] No. 26, 2010. Official Gazette 5042, July 15, 2010.

⁴ Ibid, Article 97 and Article 98.

⁵ Ibid, Article 98 and Article 99.

⁶ Ibid, Article 100.

⁷ Ibid, Article 118.

⁸ Ibid, Article 116.

⁹ Ibid, Article 120.

¹⁰ Ibid, Article 140.

The We Are All Jordan initiative was founded by HM King Abdullah II in 2006 to direct Jordan's reform process and to seek input from citizens and civil society representatives.¹¹ The Royal Consultation Committee for the initiative created a subcommittee on unions' issues, which included representatives of unions and of the government. The subcommittee made a number of recommendations related to the governance of unions, including:

1. Creating small organizational committees for unions that would need a smaller quorum to meet and make decisions
2. Reviewing the bylaws and regulations related to finances in order to guarantee transparency, independent management, auditing, and proper oversight
3. Putting independent oversight over certain union funds to increase accountability
4. Involving union and government representatives in a review of punishment regulations
5. Removing the power of the Council of Ministers to dissolve union councils¹²

These recommendations were not incorporated into the We Are All Jordan plan, which instead only made a vague, broad reference to improving the work of unions.¹³ However, since then, changes have been made in several unions' legislations that appear to address some of these areas, as discussed below.

Implementation of Commitment

Until now, implementation of this commitment is unclear. Judging the actual implementation of good governance principles in Jordan's professional associations is not possible due to the fact that parameters for this concept are not defined in the commitment. In terms of legislative changes occurring since publication of the NIS, there have been no new laws or regulations passed except amendments to the Lawyers' Union Law, the Medical Professionals' Law, and the Journalists' Union Law.

The Lawyers Union Law No. 11 (1972) was amended in 2014 to remove the right of the Council of Ministers to dissolve the union council and to dissolve union gatherings. Certain responsibilities for financial oversight were moved from the Ministry of Justice to the Cabinet, possibly simplifying the process of financial

¹¹ The Hashemite Kingdom of Jordan, HM King Abdullah Bin Al Hussein. *Initiatives*. Accessed December 10, 2014, http://kingabdullah.jo/index.php/en_US/initiatives/view/id/4.html.

¹² The Hashemite Kingdom of Jordan, Prime Ministry. *Recommendations of the Unions Subcommittee to the Royal Consultation Committee* [In Arabic]. Accessed January 15, 2015, http://www.pm.gov.jo/arabic/index.php?page_type=pages&part=1&page_id=56.

¹³ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II. *Complete Text of the Work Plan for the We Are All Jordan Initiative* [In Arabic], accessed December 10, 2014, http://kingabdullah.jo/uploads/wearealljor_ar.pdf, Chapter 4, Article 23.

oversight.¹⁴ Consultations with a number of lawyers found differing opinions about the changes to the law.¹⁵ Some expressed the view that the new law was mostly supported by lawyers based in Amman and didn't take into account the needs and priorities of lawyers from outside the capital. Other lawyers expressed belief that the law was generally representative of the priorities of the country's lawyers. One lawyer expressed the opinion that the new law for the union would enable some people with lower qualifications to join the union and would have a negative impact on lawyers' rights.¹⁶

The medical professionals' (doctors') union law was amended in a similar way to streamline financial controls.¹⁷

The Journalists' Union Law was amended in 2014, addressing various changes in the electoral system for the union's governing council, requirements for membership, methods of handling complaints against journalists, and the right of the union to protect journalists' professional rights, defend their interests, and provide them various services.¹⁸ Research among several journalists revealed differing views on the conducted legal reform. One interviewed journalist believed that the law generally improved governance in the union by giving it more discretion in its activities and its internal administration.¹⁹ Another believed that the law would have a negative effect on the union through lowering some requirements for members in a way that would negatively affect the quality of work in the journalism field, while another colleague argued that the new requirements would instead give the field new freedom and discretion.²⁰

Research did not uncover major efforts to make legislative changes affecting the governance of the other unions mentioned above. While the research team considers the amendments made to some of these laws as introducing good governance practices, the overall effort in implementing this commitment is not organized and comprehensive, leading to the assessment of limited completion.

Best Practices and Recommendations

The concept of good governance is a broad conceptual term and does not have a great deal of usefulness in formulating specific commitments or agenda points for

¹⁴ The Hashemite Kingdom of Jordan, Amendment to the Bar Association Law [In Arabic] No. 25, 2014. Official Gazette 5294, July 16, 2014.

¹⁵ Esraa Mahadin, Lawyer. Phone interview, April 4, 2015; and Sa'd Al Bishtawi, Lawyer. Phone interview, April 4; and Mudrik Al Bdour, Lawyer. Phone interview, April 5, 2015.

¹⁶ Ibid.

¹⁷ The Hashemite Kingdom of Jordan, Jordanian Medical Professionals' Union Law [In Arabic] No. 59, 2008. Official Gazette 4903, April 30, 2008.

¹⁸ The Hashemite Kingdom of Jordan, Amendment to the Journalists' Union Law [In Arabic] No. 24, 2014. Official Gazette 5291, June 16, 2014.

¹⁹ Khaled Mohammed, journalist. Personal interview, May 8, 2015; and Amer al Qudah, journalist. Personal interview, May 8, 2015.

²⁰ Rasheed al Qarala, Journalist. Personal Interview, May 8, 2015.

reform.²¹ Even the most specific definitions of good governance commonly accepted by international organizations are still lists of vague principles and attributes of governance such as participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and following the rule of law.²² These are helpful principles, but they are not concrete guidelines that can be followed in any reform plan.

The resources for “good governance” in relationship to professional unions suffer from the same contextual definition problems that the broader definition of good governance does. One relevant guideline from an international organization in this respect has been put forward by the Australian Congress of Trade Unions (ACTU). In March 2013, through the ACTU the *Governance Panel Report: Independent Panel on Best Practice for Union Governance* was published, which discusses the idea of good governance in unions. According to the report, good corporate governance “includes honesty and integrity, transparency and openness, responsibility and accountability.”²³ The publication goes on to list six specific leadership and management practices for trade unions it deems vital components for good governance in the trade union sector, including having a clear statement of purpose; establishing a set of strategies; having clear statements of objectives for the union; having clearly defined operational processes; having systems for performance measurement and reporting; and having job description and performance management for all staff.²⁴ The publication concludes that “good governance is not merely about producing good statements of policy or laying down good procedures. It involves ensuring the continuing existence of a culture and milieu of fidelity and diligence which can assist unions to be effective, efficient, responsive, and transparent to members.”²⁵

For future reform efforts in the professional union sector in Jordan, government officials and union leaders should work together to create more specific plans for reform that include specific goals and measureable, concrete steps.

²¹ Office of the United Nations High Commissioner for Human Rights. *Good Governance and Human Rights*. Accessed January 8, 2015, <http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx>.

²² United Nations Economic and Social Commission for Asia and the Pacific. *What is Good Governance?*. Accessed January 8, 2015, <http://www.unescap.org/sites/default/files/good-governance.pdf/>.

²³ Independent Panel on Best Practice for Union Governance (2013). *Report to ACTU Executive to Invite Comment and Discussion*, accessed January 8, 2015, <http://www.actu.org.au/media/579331/Governance%20Panel%20Report%20to%20Exec%20.pdf>, p. 4.

²⁴ *Ibid*, 64-65

²⁵ *Ibid*, p. 4.

Commitment 14.6; Civil Society Organization Budgets

Commitment Title:	Publishing budgets of civil society organizations	Number:	14.6
Implementing Actor: <i>(as in NIS)</i>	Ministry of Social Development, Ministry of Interior, Ministry of Political and Parliamentary Affairs, Civil Society Institutions, Audit Bureau	Timeline: <i>(as in NIS)</i>	First quarter 2014 – second quarter 2015
Full text: <i>(as in NIS)</i>	Professional associations, political parties, non-profit societies and studies centres should publish their budgets, sources of funding and ways of spending funds and have them audited by accredited auditing firms.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Under the current legal framework in force in Jordan, the organizations named in this commitment are required to disclose their financial information publicly. There are currently no requirements for them to publish this information in public. Below the legal framework governing financial disclosure per organization is discussed.

- *Professional Associations*

According to the Labor Law No. 8 of 1996 which governs professional associations,¹ all professional associations must submit a copy of their financial records to the Professional Associations Registrar in the Ministry of Labor before April 1st of each year. The records must include a copy of their general budget written according to a pre-determined format and checked by an accredited auditor. The budget must explain the association's incomes, expenses, assets, and financial commitments during the previous year ending 31 December. After receiving the documents, the registrar has the right to ask for any additional information related to the association's finances. Associations are also asked to submit lists of their employees and records of changes during the fiscal year,² to be submitted to the Government. There is no requirement to publish budgets or financial information to the public,

¹ The Hashemite Kingdom of Jordan, Labor Law [In Arabic] No. 8, 1996. Official Gazette 4113, April 16, 1996; and Amendment to the Labor Law [In Arabic] No. 26, 2010. Official Gazette 5042, July 15, 2010.

² Ibid, Article 118.

and it does not appear that the unions publish their budgets publicly on their websites.

- *Political Parties*

Political Parties are governed by the Political Parties Law of 2012.³ The law stipulates that each party must send their financial information to the Political Parties' Affairs Committee (in the Ministry of Interior) within three months of the end of each fiscal year. This information must include a copy of the budget and other financial information verified by an accredited auditor, in addition to a detailed report from the party Secretary General on its financial resources. The chairman of the Political Parties' Affairs Committee has the right to ask a certified accountant or the Audit Bureau to investigate a party's finances and to send a report to both the committee and the Secretary General of the party. The law also creates conditions for how parties may gather donations from private sources, stipulating that these sources must be "known" and "announced." It is also stipulated that parties may not take funding from "any unknown source."⁴ Parties can invest their money in the Kingdom in a known and announced way.⁵ However, the law does not clarify exactly how this kind of information should be announced, and whether it must be announced to the Political Parties Affairs Committee or to the public. A review of the websites of several prominent parties reveals no information on their budgets.⁶

- *Civil Society Organizations*

Civil society organizations include societies registered under Ministry of Social Development or the Ministry of Political Development, non-profit companies registered under Ministry of Industry and Trade, and for-profit companies working on development, such as study centers, are also registered under the Ministry of Industry and Trade. The legal framework governing financial disclosure per type of CSO is explained below.

1. *Societies*

Societies are governed by the Societies Law of 2008⁷ and its amendments, which stipulate that the board of directors of a society must submit its financial information to the ministry overseeing it on a yearly basis. This information includes an annual work plan and a report on the organization's achievements, activities, resources, and use of funding, all financial reports to be audited by an accredited auditor.⁸ The law also stipulates that societies should record donations

³ The Hashemite Kingdom of Jordan, Political Parties Law [In Arabic] No. 16, 2012. Official Gazette 5161, June 7, 2012.

⁴ Ibid, Article 25.

⁵ Ibid, Article 26.

⁶ The Ba'ath Socialist Party. *Homepage*. Accessed February 10, 2015, <https://alb3th1947jordan.wordpress.com>; and National Union Party. *Homepage*. Accessed February 10, 2015, <http://itehadwatani.com>.

⁷ The Hashemite Kingdom of Jordan, Societies Law [In Arabic] No. 51, 2008. Official Gazette 4928, September 16, of 2008.

⁸ Ibid, Article 16.

made to them in their annual reports, as well as specifying in those reports the exact activities that those donations were used for.⁹ There is no provision requiring CSOs publish their budgets for the public, and it appears this remains a voluntary measure that is not always implemented.

2. Non-Profit Companies

Non-Profit Companies are governed by the Companies Law No. 22 of 1997 (last amended by temporary amendment 2010)¹⁰ and the Non-Profit Companies Regulation No. 73 of 2010,¹¹ which was published pursuant to Article 7d of the Companies Law. The Non-Profit Companies Regulation stipulates that non-profit companies must register and report to the Non-Profit Companies Registry in the Ministry of Industry and Trade. Within the first three months of any fiscal year, such companies are required to submit reports to the registry that include audited budgets, sources of organizational funding, and sources and uses of funding for specific activities.¹² There is no requirement to make this information publicly available.

3. For-Profit Companies

For-profit companies are also regulated by the Companies Law, which requires them to submit yearly financial reports budgets to the Companies Registry in the Ministry of Industry and Trade. The exact procedures for this submission vary according to the specific type of company.¹³ There is no requirement to make this information publicly available.

Implementation of Commitment

There have been no changes in the relevant laws during the commitment implementation period. Until now, it appears that all the relevant organizations are compelled to submit audited budgets and financial information to the government agencies responsible for them, but that disseminating to these to the public remains voluntary. In terms of voluntary compliance, a sampling of relevant organizations' websites does not appear that this kind of voluntary compliance is widespread, leading to evaluation of the commitment concluding that it has not been started.

Consultations with civil society stakeholders revealed widespread support for the idea of budget transparency. Among CSOs working in government oversight and transparency, there was an especially strong feeling that CSOs should model the kind of transparency that they expect from the government. There was a general consensus that greater transparency could help reduce corruption, improve

⁹ Ibid, Articles 16-17.

¹⁰ The Hashemite Kingdom of Jordan, Companies Law [In Arabic] No. 22, 1997. Official Gazette 5071, December 14, 2010.

¹¹ The Hashemite Kingdom of Jordan, Non-Profit Companies Regulation [In Arabic], No. 73, 2010. Official Gazette 5071, December 14, 2010.

¹² Ibid, Article 9.

¹³ The Hashemite Kingdom of Jordan, Companies Law.

governance, and, most importantly, enhance the credibility of the civil society field in the eyes of the government and citizens. Additionally, it was agreed that CSOs should show leadership in the field by voluntarily practicing financial transparency, even without government regulation.¹⁴

Best Practices and Recommendations

Disclosing financial information to the public can be a way for organizations to engage in good governance and to build trust with the public, their governments, and partner organizations. According to recommendations put forth by Transparency International, organizations should “voluntarily commit to high standards of transparency and disclosure of information,” recommending that organizations consider adopting information disclosure policies to accomplish this.¹⁵ Publishing information ensures that organizations remain accountable both to the governments that oversee them and to the people they are meant to serve.¹⁶ Civil society organizations in Jordan, parties, and unions should consider striving for as much transparency as possible in publishing their financial information to the public. At the same time, a revision of applicable laws or regulations to make such public disclosure mandatory would standardize the requirements across civil society and help encourage reliable implementation.

Requirements for financial disclosure in Jordan’s civil society should strike a balance between promoting openness and transparency and creating conditions that can be exploited to stifle the growth of small organizations. In the past, requirements for audits of civil society organizations, parties, and professional associations have sometimes been used by government agencies to prevent the growth of civil society.¹⁷ Therefore, provisions for transparency should not place heavy burdens on civil society organizations that prevent their growth or could be misused.¹⁸ This is important to help citizens realize their internationally recognized rights to organize and form associations. At the same time, as described above, many CSOs in Jordan are enthusiastic about promoting budget transparency as a means of strengthening governance in the CSO sphere and enhancing its credibility in the country. Therefore, there is a significant opportunity for CSOs and the

¹⁴ Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015.

¹⁵ Transparency International (January 2013). *Key Features of NGO Accountability Systems, No. 358*, accessed January 10, 2015, http://www.transparency.org/files/content/corruptionqas/358_Key_features_of_NGO_accountability_systems.pdf, p. 5.

¹⁶ World Association of Nongovernmental Organizations (2004). *Code of Ethics & Conduct for NGOs*, accessed January 11, 2015, <http://www.wango.org/codeofethics/COEEnglish.pdf>, p. 10-11.

¹⁷ Freedom House (2012). *Countries at the Crossroads Program: Jordan*, accessed January 11, 2015, <https://freedomhouse.org/report/countries-crossroads/2012/jordan#.VNCDttKUeDN>.

¹⁸ John Clark, World Bank (1993). *The State and the Voluntary Sector*, accessed January 19, 2015, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/1993/10/01/000009265_3961005082045/Rendered/PDF/multi_page.pdf.

government to cooperate and explore different participatory models of promoting financial transparency.

Commitment 14.7, 14.8; Regulating Civil Society Organizations

Commitment Title:	Regulating civil society organizations receiving foreign funding and monitoring their funding and activities	Number:	14.7
Implementing Actor: <i>(as in NIS)</i>	Ministry of Social Development, Ministry of Interior, Ministry of Political and Parliamentary Affairs, Civil Society Institutions, Audit Bureau	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Second Quarter 2015
Full text: <i>(as in NIS)</i>	Setting a regulatory framework to streamline the situation of civil society institutions that receive foreign funding, ensuring oversight over funding and spending and that these institutions do not practice profit-making activities. Any institution violating these principles will be subject to taxation provisions. Moreover, there should be focus on the aspects of guidance, information dissemination and educating the public on this matter.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Subjecting civil society organizations that receive foreign funding to Audit Bureau monitoring	Number:	14.8
Implementing Actor: <i>(as in NIS)</i>	Ministry of Social Development, Ministry of Interior, Ministry of Political and Parliamentary Affairs, Civil Society Institutions, Audit Bureau	Timeline: <i>(as in NIS)</i>	First quarter 2014-second quarter 2015
Full text: <i>(as in NIS)</i>	Civil Society Institutions that receive foreign funding should be subject to Audit Bureau monitoring, while any foreign or external funding must be subject to Cabinet approval.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
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Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Article 16 of the Constitution stipulates that Jordanians can hold meetings and establish associations and political parties as regulated by law.¹ In Jordan, CSOs include social organizations, charities, athletic and youth clubs, non-profit companies, profit companies working in development, and shared interest associations. Over 31 laws and regulations govern CSOs' work in Jordan directly or indirectly. These include, for example, detailed regulations governing charitable donations and the work of non-profit companies, national legislation on the rights of women and children, and Jordan's penal code.

According to Income Tax Law of 2014 No. 34, organizations registered as associations are permitted to apply for tax exemption status, and some are also permitted to have tax exempted donation status.² In order to gain tax exempt status, these organizations must prove that they are working in certain areas, such as humanitarian, cultural, sports, and they must submit a request for approval by the Cabinet. Non-profit companies and for-profit companies, which operate under the Companies Law of 1997, are not exempt from taxes and are therefore required to pay taxes on sales, purchases, incomes, and salaries.³

Societies are governed by the Societies Law of 2008⁴ (amended in 2009),⁵ which stipulates that the board of directors of a society must submit its financial information to the ministry overseeing it on an annual basis. This information includes an annual work plan and a report on the organization's achievements, activities, resources, and use of funding, financial report to be audited by an accredited auditor.⁶ The law also stipulates that societies should record donations made to them in their annual reports, as well as specifying in those reports the exact activities that those donations were used for.⁷ In addition, associations are also

¹ The Hashemite Kingdom of Jordan, 2011 Constitution of Jordan, Article 16.

² The Hashemite Kingdom of Jordan, Income Tax Law [In Arabic] No. 34, 2014. Official Gazette 5320, December 31, 2014.

³ The Hashemite Kingdom of Jordan, Companies Law [In Arabic] No. 22, 1997. Official Gazette 4204, May 15, 1997.

⁴ The Hashemite Kingdom of Jordan, Societies Law [In Arabic] No. 51, 2008. Official Gazette 4928, September 16, 2008.

⁵ The Hashemite Kingdom of Jordan, Amended Societies Law [In Arabic] No. 22 of 2009. Official Gazette 4983, September 16, 2009.

⁶ Ibid, Article 16.

⁷ Ibid, Articles 16-17.

required to apply for approval from the Cabinet for all funding coming from non-Jordanian sources.⁸

To receive funding from non-Jordanian sources, a society must notify the minister overseeing its file in a written notification with details about the funds, sources, and purposes. The minister is required to forward the request to the Cabinet, which can approve or deny the request. If the Cabinet does not reply within 30 days, the funding is considered to have been approved.⁹ Funding is approved on the condition that (1) The funding's source is not be illegal or against the public order or morality, (2) It does not contradict any provisions of the Associations Law or related legislation, (3) It will be used for the purpose it was designated for.¹⁰

According to this law, should a CSO violate any of these tenets, "the Relevant Minister shall appoint an interim Board of Directors for the society which shall undertake the tasks of the Board of Directors and assume its place."¹¹ The law has a major shortcoming in that it does not regulate the period during which the minister receiving the request must pass it on to the Cabinet, and it doesn't require the minister to inform the applicant that their application has been sent. This gives the minister a great deal of personal discretion and seriously harms the transparency and fairness of the process.

Non-profit companies are governed by Law No. 22 of 1997 (last amended by temporary amendment 2010)¹² and the Non-Profit Companies Regulation No. 73 of 2010.¹³ The Non-Profit Companies Regulation stipulates that non-profit companies must register and report to the Non-Profit Companies Registry in the Ministry of Industry and Trade. Within the first three months of any fiscal year, such companies are required to submit reports to the registry that include audited budgets, sources of organizational funding, and sources and uses of funding for specific activities.¹⁴ These companies must also request permission to receive funds from outside of Jordan, the 2010 Amendment to the Companies Law and the 2010 Non Profit Companies Bylaw stipulate that non-profit companies must submit requests to receive foreign funding in writing to the Minister of Industry and Trade. The requests should include information about the sources of the money and the specific projects it will be used for. The Minister must then forward the request to the Cabinet, who may approve or reject the request. If there is no reply from the Prime Minister within 30 days, the request may be considered approved.¹⁵ In the case of

⁸ Ibid, Article 17.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid, Article 18.

¹² The Hashemite Kingdom of Jordan, Companies Law [In Arabic] No. 22, 1997. Official Gazette 5071, December 14, 2010.

¹³ The Hashemite Kingdom of Jordan, Non-Profit Companies Regulation [In Arabic], No. 73, 2010. Official Gazette 5071, December 14, 2010.

¹⁴ Ibid, Article 9.

¹⁵ The Hashemite Kingdom of Jordan, Amending the Companies Law [In Arabic] No. 35, 2010. Official Gazette 5059, September 30, 2010.

associations, the legal framework has a major shortcoming in that it does not regulate the period during which the minister receiving the request must pass it on to the Cabinet, and it does not require the minister to inform the applicant that their application has been sent. This gives the minister a great deal of personal discretion, in turn creating significant problems for transparency and fairness.

The Companies Law does not stipulate that for-profit companies that may obtain same projects and same funding must seek permission to obtain funding from outside of Jordan.¹⁶

Regarding audits of CSOs receiving foreign funding and being subject to monitoring by the Audit Bureau, this appears to already be in line with the Audit Bureau Law.¹⁷ According to the Article 4 of the Audit Bureau Law of 1952, which was amended in 2002¹⁸ and 2007,¹⁹ the Audit Bureau is responsible for auditing any organization that the Cabinet requests it to audit, as long as that organization receives public funds or other funds that are regulated by law. According to the Audit Bureau's website, the organizations it is empowered to audit include syndicates, professional unions, charities and voluntary bodies.²⁰ In light of these provisions, it can be understood that CSOs receiving foreign funding, which is regulated by law, are subject to Audit Bureau monitoring at the request of the Cabinet. It is unclear whether the commitment is simply meant to clarify this or if it is designed to give the Audit Bureau even more discretionary powers in monitoring CSOs.

Under the present law, the two main components of the commitment, subjecting foreign funding to auditing and requiring approval by the Cabinet, appear to already be in place. Provisions subjecting funding to Cabinet approval have been in place in practice and in law since 2009. Since the 2009 amendment, restrictions on the receipt of foreign funding have reportedly hampered the operational capacity of at least one CSO in Jordan. Specifically, on June 27, 2012, the Cabinet refused a grant to 'Tamkeen,' a legal assistance organization, to implement a program to protect the rights of migrant workers.²¹

Implementation of Commitment

Under the present law, there is a regulatory framework in place governing the activities of civil society institutions that receive foreign funding, ensuring oversight

¹⁶ The Hashemite Kingdom of Jordan, Companies Law.

¹⁷ The Hashemite Kingdom of Jordan, Audit Bureau Law [In Arabic] No. 28, 1952. Official Gazette 1105, April 16, 1952.

¹⁸ The Hashemite Kingdom of Jordan, Amending the Audit Bureau Law [In Arabic] No. 3, 2002. Official Gazette 4533, February 17, 2002.

¹⁹ The Hashemite Kingdom of Jordan, Amending the Audit Bureau Law [In Arabic] No. 18, 2007. Official Gazette 4821, April 16, 2007.

²⁰ The Hashemite Kingdom of Jordan, Audit Bureau. *Scope of Work* [In Arabic]. Accessed February 3, 2015. http://www.audit-bureau.gov.jo/index.php?option=com_content&view=article&id=32&Itemid=25&lang=ar.

²¹ Human Rights Watch (2012). *Jordan: Government Clamps Down on Civil Society*. Accessed February 3, 2015, <http://www.hrw.org/news/2012/08/01/jordan-government-clamps-down-civil-society>.

over funding and spending, and that these institutions do not practice profit-making activities. During the period specified in the commitment, there have been no publicly announced changes in this area, nor has there been any relevant legislation introduced. It does not appear from the Parliamentary agenda that there are currently ongoing efforts to implement this commitment.

In its consultations with stakeholders in civil society, the research team found that CSO representatives were generally accepting of Audit Bureau monitoring for organizations accepting foreign funding, especially since this is already allowed by law. In fact, many CSOs were in favor of more consistent monitoring of CSOs, in order to cut down on corruption in the field and enhance the reputation of CSOs sector amongst the public.²²

One major weakness in the current legislation surrounding audits for CSOs is that it does not include details about the audit process and leaves a great deal of discretion to government employees. While the law stipulates that the government can audit CSOs, it does not describe the type of audit, the time period the audit may cover, conditions for choosing to undertake an audit, who may order an audit, how often audits may be ordered, guidelines for using the final results of the audit, and next steps after the audit including penalties for non-complying organizations. Al Hayat's own experience and its consultations with civil society stakeholders have raised fears that auditing could be used in a discretionary way by government agencies and was liable to abuse as a tool for political harassment. Multiple CSO representatives knew of cases where auditing powers had been used to target CSOs working in politically sensitive work, and all stakeholders agreed that the letter of the law must ensure against this kind of discretionary implementation.²³ Therefore, there is a need to clarify the laws to include clear conditions to make sure that auditing is used fairly and only for reducing corruption. In addition, stakeholders agreed that the ways the regulations were implemented was just as important as the recommendations themselves.

CSOs have also criticized the provisions that require associations and non-profit companies to seek approval for obtaining all foreign funds, since a large portion of the donor funding local associations and non-profit companies have already signed agreements with the government of Jordan to implement their projects.²⁴ In addition, some associations and non-profit companies have pointed out that because CSOs registered as for-profit organizations do not need approval for foreign funds even if they are working on development, there is an unfair disparity among CSOs seeing as both have equal chances of receiving such funds.²⁵

Taking into account the previous, the current status of state control of CSOs prior to composition of the NIS has not changed during the timeframe of this report with no

²² Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015.

²³ Ibid.

²⁴ Ibid.

²⁵ Shareef Omari, Youth of Tomorrow Organization. Personal interview, March 19, 2015.

developments having taken place regarding the regulatory status of such organizations. Thus, no work has been started towards implementing this commitment, but the research team calls for those responsible therefore to put in place specific measures and highly recommend the measuring of implementation of this commitment. In doing so, participation with CSOs of various kinds would be commendable to ensure a transparent and impartial approach.

Best Practices and Recommendations

According to the International Center for Non-Profit Law (ICNL), “funding restrictions that stifle the ability of NGOs to pursue their goals may well constitute unjustifiable interference with freedom of association.”²⁶ Guidance from the World Bank supports this conclusion, stating that the most favorable operating environment for non-governmental organizations “is when legal restrictions are minimized, when they have complete freedom to receive funds from whomsoever they choose, to speak out as they wish and to associate freely with whoever they select.”²⁷ This is supported by a case study of best practices in CSO Law Reform Initiatives in Iraq, Macedonia and Honduras conducted by the European Center for Not-For-Profit Law on behalf of the United Nations Development Program, which demonstrates that the removal of restrictions on foreign funding allows greater freedom of operation for organizations.²⁸

To increase transparency, civil society organizations should be required to publish their budgets, which should be subject to government oversight in the case of discrepancies. However, this must be supported by a legal framework that clearly delineates the legal procedures relevant to the operation of a civil society organization, so that unclear laws on registration and CSO activity will not prevent the creation or growth of new CSOs.²⁹

Thus, to encourage the development and growth of civil society, Jordan should review and amend its laws regarding restrictions on foreign funding and the general framework governing civil society organizations. Successful CSO law reform initiatives are best conducted through consultation with the civil society sector as a means of gaining broader cross-sectorial and political support for these reforms and

²⁶ International Center for Not-for-Profit Law (ICNL) (February 1, 2008). *Defending Civil Society: A Report of the World Movement for Democracy*. Accessed January 18, 2015, http://www.icnl.org/research/library/files/Transnational/WMD-DCS_en.pdf.

²⁷ John Clark (October 1, 1993). *The Relationship Between the State and the Voluntary Sector*. Accessed January 19, 2015, <http://www.gdrc.org/ngo/state-ngo.html>.

²⁸ ICNL.

²⁹ European Center for Not-For-Profit Law (ECNL) and the United Nations Development Programme (UNDP) (May 2011). *Elements For Successful CSO Law Reform Initiatives: The Case Studies of Honduras, Iraq and Macedonia*, accessed January 18, 2015, http://www.undp.org/content/dam/undp/documents/partners/civil_society/investing_in_civil_society/2011_UNDP-ECNL_Elements-for-Successful-CSO-Law-Reform-Initiatives_EN.pdf.

ensuring that the amended law is in accordance with domestic and international requirements.³⁰

Any such process should be comprehensive in that it amends not only laws governing auditing and the receipt of foreign funding, but also in either repealing or amending laws such as the Public Assemblies Law, which can be used to curtail the operational freedom of NGOs.³¹ A process such as this could also serve to fulfill the commitments' stated objective of focusing on the aspects of guidance, information dissemination and educating the public on the regulation of civil society. It could also be helpful to harmonize the regulations for associations, non-profit companies, and profit companies in terms of funding received for development purposes, since they are involved in the same types of work. As described above, the three currently have different regulations governing their ability to obtain and use foreign funding. This can lead to confusion on the part of civil society, the government, and the public as they attempt to monitor the activities of CSOs and hold them to the highest standards of transparency and accountability.

³⁰ Ibid.

³¹ Sameer Jarrah, Brookings Institute (July 1, 2009). *Civil Society and Public Freedom in Jordan: The Path of Democratic Reform*, accessed February 4, 2015, http://www.brookings.edu/~media/research/files/papers/2009/7/07_jordan_jarrah/07_jordan_jarrah.pdf.

Commitment 15.1; Administrative Divisions

Commitment Title:	Revisiting administrative divisions	Number:	15.1
Implementing Actor: <i>(as in NIS)</i>	Ministry of Interior	Timeline: <i>(as in NIS)</i>	First quarter 2014- fourth quarter 2014
Full text: <i>(as in NIS)</i>	Revisiting the administrative divisions included in the various legislation in a manner that guarantees fair and balanced distribution of development gains and services offered to citizens.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The scheme for administrative divisions in Jordan is laid out by Administrative Entities Bylaw No. 47,¹ which divides the local political geography of Jordan into governorates which are further divided into districts and sub-districts. The law also states that the governorates should be headed by governors appointed by the Cabinet. Prior to the passing of Bylaw No. 47, administrative divisions also included a smaller division of sub-districts which were canceled in response to a large number of requests by residents to have their areas upgraded to sub-district in order to receive higher levels of government resources and services that are offered to them.²

The current geographic divisions of Jordan are laid out in the Administrative Divisions Bylaw No. 46³ and its amendments No. 45 for the year 2001, and amendment No. 72 for the year 2005.⁴ The 2000 bylaw was created as part of a major reform of local governance structures, in which the government condensed and merged 328 municipalities into 99 municipalities under districts and sub-districts. Six of these municipalities were then merged into the Greater Amman

¹ The Hashemite Kingdom of Jordan, Administrative Entities Bylaw [In Arabic] No. 47, 2000. Official Gazette 4455, September 17, 2000.

² Ibid.

³ The Hashemite Kingdom of Jordan, Administrative Divisions Law [In Arabic] No. 46, 2000. Not listed in the Official Gazette.

⁴ The Hashemite Kingdom of Jordan, Amendments to the Administrative Divisions Law [In Arabic] No. 72, 2005. Not listed in the Official Gazette.

Municipality, leaving the country with 93 municipalities.⁵ The Bylaw names the makeup of each of the 12 governorates, the districts, and sub-districts, including complete lists of which towns, cities, and governorates are included in each sub-district.

Implementation of Commitment

The government has taken steps in recent years to help correct development imbalances between different geographic areas of the country. As described in more detail in section 15.5, through the creation of the Governorates Development Fund, the government has attempted to address regional imbalances and disparities. In addition, the government has accepted a 3.6 billion JOD grant from the Gulf Cooperation Council (GCC) for development projects within Jordan, much of which has been used for projects in underserved areas of the country.⁶

However, regarding the actual redrawing of administrative divisions as laid out in the two bylaws described above, there has not been discussion of inclusion of either law on the parliamentary agenda. In mid-2014 a number of newspapers and other media published news regarding the government reconsidering its administrative divisions.⁷ Nonetheless, research has not uncovered any indication of actual measures having been taken regarding amendments. Additionally, the research team did not find any related publication available to the public, thus hindering the ability to measure the extent of balanced distribution of development gains and services provided. As a result, the commitment is assessed as not having been started.

Best Practices and Recommendations

The commitment appears to be referencing a need for redrawing administrative boundaries, or potentially redistricting current administrative divisions. Given that a number of other countries have experience with redrawing municipal boundaries in the past, there are a number of useful lessons that Jordan can learn therefrom. Redistricting and mergers typically affect municipal revenues in several ways, including:

⁵ European Committee of Regions. *Jordan Fact Sheet: Vertical Division of Power*, accessed March 16, 2015, <https://portal.cor.europa.eu/arlem/Documents/JORDAN%20-%20FACT%20SHEET%201%20EN%203%20June%202014.pdf>, p. 2.

⁶ Akhbarak.net (January 26, 2015). *Jordan: 92% of the funds from the GCC Grant for 2014 of 708, 43 million dinars have been spent* [In Arabic]. Accessed January 27, 2015, <http://goo.gl/9KZg7u>; and The Jordan Times (January 26, 2015). *Government Spent 92% of Gulf grant allocations for 2014*, accessed March 15, 2015, <http://jordantimes.com/government-spent-92-of-gulf-grant-allocations-for-2014>; Rakez al Khalayleh, Consultant. Personal interview, March 20, 2015.

⁷ Al Arab al Yom (April 16, 2014). *The government reconsiders the administrative division structure* [In Arabic]. Accessed April 15, 2015, <http://alarabalyawm.net/?p=136822%D8%9F>.

- Transactional costs associated with the merger itself, including costs of rationalizing laws, human resources procedures, accounting/billing, eliminating redundancy, new training, etc.
- Changes in expenditures needed in order to service the new population/areas
- Changes in revenue coming from a new tax base

The specific effects of redistricting vary depending on the situation of the municipalities before redistricting. In a case study of municipal mergers done in South Africa and Canada, most municipalities that were expanded to encompass poorer municipalities saw rapid increases in costs not made up by increases in expenditure, leading them to revenue shortfalls.⁸

There is no clear evidence that absolute economies of merging municipalities always makes running municipalities cheaper. Instead, there are certain optimal sizes of municipalities for different types of services; while one type of service might get less expensive as municipalities grow, another might become more expensive.⁹

France is moving forward with plans to enact redistricting at the provincial level in 2014-2015. This redistricting was combined with a greater devolution of power to provinces to enable them to manage their economic affairs. The redistricting/devolution was designed to make provinces bigger and more able to develop themselves economically. According to the planners of the redistricting, bigger and more powerful provinces would have more constituents and would be more attractive investment destinations as they would have increased capability to liaise with outside actors to set up partnerships for development. Most importantly, the resources saved by reducing redundancies and taking advantage of economies of scale would be able to be redirected toward economic development.¹⁰

Other issues arising in municipal redistricting can be the presence of entrenched interests, whether formal or informal. When South Africa redistricted in traditional rural areas, the government clashed with a number of traditional leaders.¹¹ It is

⁸ Financial and Fiscal Commission. *The Impact of Demarcations on Municipal Finances, Chapter 11 of 2015/16 Submission for the Division of Revenue*, accessed March 16, 2015, <http://www.ffc.co.za/index.php/submissions/submission-chapters>.

⁹ Enid Slack and Richard Bird (2013). *Merging Municipalities: Is Bigger Better?*, accessed March 15, 2015, http://www.munkschool.utoronto.ca/imfg/uploads/219/imfg_no_14_slack_birdr3_online_final.pdf, p. 5.

¹⁰ Mark Muro and Kenan Fikri (December 9, 2014). *Rightsizing the Region: France Redraws its Map*, accessed March 20, 2015, <http://www.brookings.edu/blogs/the-avenue/posts/2014/12/09-region-france-map-muro-fikri>.

¹¹ Cleotilda Nxumalo and Jennifer Whittal (August 2013). "Municipal Boundary Demarcation in South Africa: Processes and Effects on Governance in Traditional Rural Areas." *South African Journal of Geomatics*, 2:4.

important to keep in mind that merging municipalities or expanding them can have the effect of reducing responsiveness or the prospects for participation.¹²

Recommendations based on best practices and lessons learned from international cases include:

- Studying the economic impacts well before redistricting. Understanding that including poorer areas within a municipality may increase costs without increasing revenue by a proportionate amount, leading to shortfalls.
- Being realistic about the transactional costs of the redistricting. Systems that are complicated and may be specific to municipalities—such as human resources, information technology, and accounting systems—can be costly to rationalize.
- Ensure there is funding for these transactional costs. If a higher level of government (i.e. the national or the sub-national) is promising to provide funding, ensure this funding is secured.
- Given that redistricting can be costly, consider it alongside other types of reforms needed to meet objectives.¹³ Alternative types of reforms include:
 - Redistributing responsibilities across already existing tiers of government
 - Having voluntary partnerships between municipalities for service delivery
 - Creating special overlapping districts for certain types of services - though these can reduce accountability for those spending money, make it harder for citizens to understand/participate, and make administration more complicated¹⁴

It is also to maintain a focus on principles of good governance throughout the redistricting process. Transparency, accountability, efficiency and effectiveness, and participation should be kept at the forefront of this process just as with any other.¹⁵

¹² Ibid, Slack and Bird, p. 4.

¹³ The Financial and Fiscal Commission, South Africa (2015/2016). *The Impact of Demarcations on Municipal Finances, Chapter 11 of 2015/16 Submission for the Division of Revenue*, accessed March 20, 2015, <http://www.ffc.co.za/index.php/submissions/submission-chapters>.

¹⁴ Ibid, Slack and Bird, p. 9-13.

¹⁵ Ibid, Nxumalo and Whittal, p. 336.

Commitment 15.2; Local Governance

Commitment Title:	Revisiting local governance patterns	Number:	15.2
Implementing Actor: <i>(as in NIS)</i>	Ministry of Municipal Affairs, Ministry of Interior	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Second quarter 2015
Full text: <i>(as in NIS)</i>	Revisiting the local governance pattern (authority) and its impact on the developmental, economic and social realities in the region, and the role of the local community in the decision making process, such as (the Aqaba Special Economic Zone Authority, Petra Development & Tourism Region Authority, Jordan Valley Authority).		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The three authorities mentioned in the commitment are all independent entities responsible for economic development in specific areas of the country. All three were set up with a highly centralized structure, reporting to the central government, and all three have broad mandates for the economic and social improvement of the areas under their purview.

The Jordan Valley Authority (JVA) was established in accordance with the Jordan Valley Development Law of 1977, which was cancelled and replaced by the 1988 Jordan Valley Development Law,¹ last amended in 2006.² The JVA was given broad powers to carry out integrated social and economic development in the Jordan Valley area, stretching from the Kingdom's northern border to the northern tip of the Dead Sea, the areas south and west of the Jordan River, surrounding the Yarmouk basin and Zarqa laying 300 meters above sea level. Additionally, any other area is considered part of the region as per discretion of the Prime Ministry, which added the area between the northern tip of the Dead Sea and the southern border of

¹ The Hashemite Kingdom of Jordan, Jordan Valley Development Law [In Arabic] No. 19, 1988. Official Gazette 3540, March 17, 1988.

² The Hashemite Kingdom of Jordan, Amended Jordan Valley Development Law [In Arabic] No. 29. 2006. Official Gazette 4759, May 16, 2006.

the city of Aqaba, and areas laying 500 meters above sea level between the east and west borders as per Cabinet Resolution 6/59/12/6339 of May 22, 1977.³

The JVA is charged with developing water resources of the valley and safeguarding them for conservation and human development, as well as developing the overall environment in the valley, tourism and agriculture, and organizing cooperation with the private sector.⁴ The Authority, is considered an independent entity⁵ reporting to the Minister of Water and Irrigation, and is composed of a Board of Directors as well as a Secretary General, and an executive and administrative staff. The Board of Directors is chaired by the Minister, and has as its members the secretaries general of the JVA, the Jordan Water Authority, the Ministry of Planning, Ministry of Agriculture, Ministry of Municipal Affairs, Ministry of Tourism, the Directors General of the Land and Surveys and General Budget Departments, the chairman of the Farmer's Union, and three experts appointed by the Cabinet.⁶ There is no article in the law explicitly addressing inclusion of citizens in the decision-making process.

The Aqaba Special Economic Zone Authority (ASEZA) was established by law in 2000.⁷ It is a financially and administratively independent entity, successor to both the Municipality of Aqaba and the Aqaba Region Authority.⁸ ASEZA, which reports to the Prime Minister, is responsible for the region's social and economic development, including attracting investments, creating an "advanced investment environment," increasing job opportunities, strengthening the role of the private sector, designing development plans, protecting the environment, leading international cooperation, exercising economic legislation, and promoting general public well-being.⁹ ASEZA is led by a Board of Commissioners with six members including president and a deputy, all appointed by the Council of Ministers for renewable four year terms.¹⁰ Council members must be citizens, have relevant expertise, and not have any conflicts of interest.¹¹ The Board is responsible for managing the Aqaba Special Economic Zone, including creating and overseeing the implementation of work plans for economic development. There are no provisions in the law referring to citizen participation in the decision-making process.

The Petra Regional Authority (PRA) was created by law in 2005,¹² and the Petra Region Tourism Development Authority Law was passed in 2009¹³ renaming the

³ The Hashemite Kingdom of Jordan, Jordan Valley Authority. *Establishment of the Jordan Valley Authority* [In Arabic]. Accessed May 20, 2015, <http://goo.gl/vI5k0h>.

⁴ Jordan Valley Development Law, Article 3.

⁵ Ibid, Article 14.

⁶ Ibid, Article 8.

⁷ Aqaba Special Economic Zone Law [In Arabic] No. 32, 2000. Official Gazette 4453, August 31, 2000.

⁸ Ibid, Article 8.

⁹ Ibid, Article 9 and 10.

¹⁰ Ibid, Article 12.

¹¹ Ibid, Article 13.

¹² The Hashemite Kingdom of Jordan, Petra Regional Authority Law [In Arabic] No. 15, 2005. Official Gazette 4709, June 1, 2005

region to “Petra Tourism Development Region.” The PRA is a financially and administratively independent body based in Wadi Musa reporting to the Prime Minister, and successor to three different municipalities in the area.¹⁴ Its main goal is development of the region and tourism as well as contributing to economic, social, cultural and community development.¹⁵ The PRA is administered by a board of directors with membership of five full-time members, including the Vice President, and is appointed by the Cabinet upon the recommendation of the Prime Minister for a period of four years, renewable.¹⁶ The Council is charged with creating general policies and plans for the region, approve the organizational structure for the executive body, and determine investment areas in the region, as well as issue licenses and certificates for professions related to economic activities and a number of other tasks related to the development of the region and its organization.¹⁷

Implementation of Commitment

Research did not reveal any efforts on behalf of the government in 2014 to restructure the authorities mentioned in this commitment.

Unlike the development zones and free zones discussed in the following Chapter 15.3, it does not appear that these independent governing authorities were affected by the new Investment Law passed in 2014, which placed all development and free zones under the purview of the newly created Investment Commission. The Aqaba Special Economic Zone is specifically mentioned as being exempted in the law, and the Petra Authority and Jordan Valley Authority were not included in its scope.¹⁸ While the commitment specifically addresses the roles of citizens in the decision-making process, research did not reveal any specific efforts to address this during 2014, thus the commitment is assessed as not having been started.

Best Practices and Recommendations

Strengthening local economic development is a broad mandate that can be supported in a number of ways. Strengthening the quality of local development cannot be done simply by adjusting the structure of the local government, it requires the implementation of good practices, well trained government and civil society staff, and most importantly, robust partnerships between government, civil society, the private sector, and citizens.¹⁹ Careful and thorough evaluations of these

¹³ The Hashemite Kingdom of Jordan, Petra Region Tourism Development Authority Law [In Arabic] No. 15, 2009. Official Gazette 4976, August 16, 2009.

¹⁴ Ibid, Article 4 and 6.

¹⁵ Ibid, Article 6.

¹⁶ Ibid, Article 8.

¹⁷ The Hashemite Kingdom of Jordan, Investment Law [In Arabic] No. 30, 2014. Official Gazette 5308, October 16, 2014..

¹⁸ The Hashemite Kingdom of Jordan, Investment Law [In Arabic] No. 30, 2014. Official Gazette 5308, October 16, 2014, Article 4.

¹⁹ Organisation for Economic Cooperation and Development (OECD) Local Economic and Employment Development Programme (2001). *Best Practices in Local Development*, accessed March

actors can be helpful for informing efforts to strengthen economic development before they begin, so the strengths of each group can be used as well as fully as possible.²⁰

To create local governance systems that are inclusive and accountable, local government systems should be designed to help all groups, including men, women, and marginalized groups, to be aware of what the government is doing and the roles they can play in civic engagement such as by promoting openness and educating citizens. These systems are to give citizens opportunities to contribute their input, ideas, skills, and resources to the governance and development process, generally meaning providing opportunities for participation, and ensuring that the government takes into account the nuanced needs of diverse groups of citizens promoting inclusion and non-discrimination. To support the inclusion of women specifically, local governments can design programs to specifically help women overcome the barriers they face in participating in government and receiving opportunities and services equal to those of their peers.²¹

10, 2015,

http://ec.europa.eu/regional_policy/archive/innovation/innovating/pacts/pdf/leed_en.pdf, Chapter 3.

²⁰ Steven Haggblade, Peter Hazell, and Thomas Reardon, World Bank (July 2002). *Strategies for Stimulating Poverty-Alleviating Growth in the Rural Nonfarm Economy in Developing Countries*, accessed March 10, 2015, <http://core.ac.uk/download/pdf/6288935.pdf>, p. 84-85.

²¹ Federation of Canadian Municipalities (2008). *Promoting Equitable and Sustainable Local Economic Development: Tools for Local Governments*, accessed March 10, 2015, [http://www.fcm.ca/Documents/tools/International/Promoting equitable and sustainable local economic development EN.pdf](http://www.fcm.ca/Documents/tools/International/Promoting%20equitable%20and%20sustainable%20local%20economic%20development%20EN.pdf).

Commitment 15.3; Development Zones Legislation

Commitment Title:	Examining and revisiting legislation related to development zones.	Number:	15.3
Implementing Actor: <i>(as in NIS)</i>	Prime Ministry, Ministry of Industry, Trade, and Supplies; Ministry of Finance, Ministry of Municipal Affairs	Timeline: <i>(as in NIS)</i>	First quarter 2014- fourth quarter 2014
Full text: <i>(as in NIS)</i>	Examining and revisiting legislation related to development zones.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Jordan's special zones and regions for investment and economic development areas were governed by a complex legal framework prior to 2014. A number of different laws governed these divisions, including the Investment Promotion Law of 1995,¹ the Temporary Investment Law of 2003,² Development Zones and Free Zones Law of 2008,³ the Temporary Investment Promotion Law of 2003,⁴ the Temporary Developing the Investment Environment and Economic Activities Law of 2003,⁵ and sections of the Trade and Manufacturing Law of 1998,⁶ the Petra Region Tourism Development Authority Law of 2009,⁷ and the Amended Jordan Valley Law of 2001.⁸

¹ The Hashemite Kingdom of Jordan, Investment Promotion Law [In Arabic] No. 16, 1995. Official Gazette 4075, October 16, 1995.

² The Hashemite Kingdom of Jordan, Temporary Investment Law [In Arabic] No. 68, 2003. Official Gazette 4606, June 16, 2003.

³ The Hashemite Kingdom of Jordan, Development Zones and Free Zones Law [In Arabic] No. 2, 2008. Official Gazette 4885, February 17, 2008.

⁴ Temporary Investment Promotion Law.

⁵ The Hashemite Kingdom of Jordan, Temporary Developing the Investment Environment and Economic Activities Law [In Arabic] No. 71, 2003. Official Gazette 4606, June 16, 2003.

⁶ The Hashemite Kingdom of Jordan, Trade and Manufacturing Law [In Arabic] No. 18, 1998. Official Gazette 4304, October 1, 1998.

⁷ The Hashemite Kingdom of Jordan, Petra Region Tourism Development Authority Law [In Arabic] No. 15, 2009. Official Gazette 4976, August 16, 2009.

⁸ The Hashemite Kingdom of Jordan, Amendment to the Jordan Valley Development Law [In Arabic] No. 30. 2001. Official Gazette 4496, July 16, 2001.

Actors both inside and outside of Jordan recognized the country's investment regime as overly complex in a way that harmed development and growth. A review by the OECD described the legal framework in 2013 as "rather complex, with a corpus of laws and regulations not all easily accessible, some being temporary and overlapping. The investment incentives regime is intricate with different overlapping schemes, zones and preferential areas, and raises questions about effectiveness."⁹

With a number of types of development zones and a number of authorities responsible for those zones, government leaders decided to take steps to rationalize and simplify the system to reduce government redundancy and to facilitate investment. The Jordan Investment Board, created in 1995, was designed as a one-stop-shop to simplify business registration procedures and stimulate investment, but the Board did not have the authority or integration with other government actors needed to actually simplify the registration process by a significant amount.¹⁰

An initial reform effort at the highest levels of government created the 2008 Development Zones Law,¹¹ which brought together the laws for Free Zones, Development Zones, and Qualifying Industrial Zones. This law unified the provisions for those zones, but left significant overlaps in the government bodies meant to oversee investment and development.

Implementation of Commitment

Responding to the challenges of this sector, the ministries of Trade, Finance, and Municipal Development consulted extensively with government agencies and private sector representatives to form a new framework for investment promotion and development.¹² In June 2014, the Parliament passed Investment Law No. 30¹³ with Article 47 canceling the laws listed above in favor of consolidating and simplifying the investment regime in Jordan by creating one system to deal with all development, free, and industrial zones in Jordan except for Aqaba.¹⁴

Article 20 of the Law¹⁵ established the Investment Authority, and Article 21 grants the Authority the power to organize the special provisions of development and free zones in the Kingdom, their development, and assigns it with servicing the national economy and control of other bodies' application thereof. The Authority is linked to the Prime Minister. Article 19 of the Investment Law installs the Authority to be

⁹ Organisation for Economic Cooperation and Development (OECD) (2013). *OECD Investment Policy Reviews: 2013*, accessed March 15, 2015, http://www.oecd.org/daf/inv/investment-policy/IPR-Jordan_2013-ExecSum.pdf, p. 13.

¹⁰ Mohamed A. Zioud, Economic Policy and Consultation Director, Ministry of Industry and Trade. Personal Interview, February 7, 2014.

¹¹ Development and Free Zones Law [In Arabic] No. 2, 2008. Official Gazette 4885, February 17, 2008.

¹² Mohamed A. Zioud, personal interview.

¹³ Investment Law [In Arabic] No. 30, 2014. Official Gazette 5308, October 16, 2014, Article 4.

¹⁴ Osama Al Azzam, Financial Deputy to the Director General, Ministry of Finance. Personal Interview, December 30, 2014.

¹⁵ Investment Law, Article 20.

chaired by the Prime Minister and members include the ministers of Industry and Trade, Finance, Labor, and Planning, Chairman of the Investment Authority, Governor of the Central Bank, Presidents Chamber of Industry and Chamber of Commerce, and four representatives from the private sector.¹⁶

Despite the broad interpretation possible of the terms “review and study” written in the commitment, and that its text overall is non-specific and non-measurable, it can be assessed that the relevant legislation has been reviewed leading to the overall conclusion that the commitment has been completed.

Overall, the most prominent amendments approved are as follows:

- Creating the Jordanian Investment Council (JIC) to serve as a unified body overseeing development policies in the country.
- Designing the JIC to serve as a one-stop-shop for investors to streamline registration and licensing processes for companies, enabling investment and development to occur more quickly and smoothly.
- Consolidating the Jordan Development Zones Commission, the Jordan Investment Board, and the Export Promotion Board, the Industrial Areas Company (formerly agency) and the Free Zones Company (formerly agency) under the umbrella of the JIC.
- Creating a new system for tax regimes (to be laid out in a forthcoming bylaw in order to give the system more flexibility) that specifies taxes based on that taxes good based on their type and what area they are produced in, giving the government more discretionary ability to encourage development in certain sectors and in certain geographic areas.
- Extending the JIC's mandate to assisting Small and Medium Enterprises (SMEs), which were largely neglected in the previous framework
- Simplifying the array of bylaws governing investment and development in the Kingdom by reducing the number of bylaws from 16 to 5.

The Investment Commission (or Authority) is defined in Article 20 of the Law,¹⁷ chaired by the Prime Minister and members include the ministers of Industry and Trade, Finance, Labor, and Planning, Chairman of the Investment Authority, Governor of the Central Bank, Presidents Chamber of Industry and Chamber of Commerce, and four representatives from the private sector¹⁸ and tasked with promoting investment, ensuring sustainability, boosting confidence in the investment environment, and attracting exports.¹⁹ The Investment Commission is also in charge of organizing the administration of Development and Free Zones,²⁰ providing information to investors, organizing exhibitions and trade missions. The chair and the secretary general of the commission are appointed by the council of

¹⁶ Ibid, Article 19.

¹⁷ Investment Law, Article 20.

¹⁸ Ibid, Article 19.

¹⁹ Ibid, Article 21A.

²⁰ Ibid, Article 21B:1.

ministers at the nomination of the Prime Minister and serve four year terms that can be renewed once.

The new investment system laid out by the law has a number of provisions increasing transparency and accountability. For example, under the new system, ministries must respond to licensing requests passed through the Investment Commission within 30 days of their receipt. If a license is denied, the ministry must respond explaining legitimate reasons. Granting licenses by default by not responding to requests, as occurred under previous investment regimes,²¹ is not allowed.²²

Best Practices and Recommendations

Jordan's restructuring of governance in this area is in line with lessons learned from past experience, as the World Bank has found that countries with elements of one-stop-shop regulatory systems have shorter wait times for registering companies and an overall greater ease in doing business.²³ It is commended that the new Investment Commission is working with experts from the World Bank to ensure that its design, operation, and the bylaws affecting its work are brought into line with international best practices.²⁴ Especially in areas of technical reform where other similar countries have enacted similar reforms in similar conditions, Jordan may stand to benefit a great deal from seeking out technical expertise.

Jordan can potentially learn from the experience of Egypt, which enacted investment reform within the last 10 years. Like Jordan, Egypt went through more than one attempt to create a one-stop-shop to unify investment standards and promote development. An early attempts were hindered by procedures that simply added to bureaucratic procedures rather than reducing them. Egypt's reform was successful after the government committed to restructuring the registration process and put significant political support behind making it happen.²⁵ The Egyptian case showed dramatic results; by 2006 the average time taken to register a company dropped from 34 days to 3 days. The reform is also credited with facilitating a dramatic increase in the number of business being registered in Egypt.²⁶ It is possible that Jordan can achieve results that are similarly impressive if it is willing to learn from this experience and others and to support the reform effort with significant political will.

²¹ Mohamed A. Zioud.

²² Investment Law, Article 18.

²³ World Bank (2010). *How Many Stops in a One Stop Shop?*, accessed February 12, 2015, <https://www.wbginvestmentclimate.org/uploads/Howmanystopsinaonestopshop.pdf>, p. 8-9.

²⁴ Mohamed A. Zioud.

²⁵ Andrew Stone (December 2006). *Establishing a Successful One Stop Shop: The Case of Egypt*, accessed February, 12, 2015, <https://www.imf.org/external/np/seminars/eng/2006/arabco/pdf/stone.pdf>, p. 9-10.

²⁶ Ibid.

Commitment 15.4; Municipal and Development Zone Powers

Commitment Title:	Identifying the powers, responsibilities and roles of each of development zones and municipalities	Number:	15.4
Implementing Actor: <i>(as in NIS)</i>	Prime Ministry, Ministry of Industry, Trade, and Supplies; Ministry of Finance, Ministry of Municipal Affairs	Timeline: <i>(as in NIS)</i>	First quarter 2014- fourth quarter 2014
Full text: <i>(as in NIS)</i>	Identifying the powers, responsibilities and roles of each of development zone and the municipality in the same geographical area.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

As explained in detail in 15.3, Jordan's special zones and regions for investment and economic development areas were governed by a complex legal framework prior to 2014. The types of zones included free zones, development zones and areas, industrial estates, and the Aqaba Special Economic Zone. These areas were governed by a lattice of overlapping and at times confusing laws until they were consolidated by the 2008 Development Zones Law, which brought together the laws for Free Zones, Development Zones, and Qualifying Industrial Zones.¹ While the law unified the provisions for those zones, it left significant overlaps in the government bodies meant to oversee investment and development.

The 2008 law specified certain powers of the Jordan Investment Board (JIB) in development and free zones, including the ability of the president of the JIB to take on broad powers including all the responsibilities of a municipal administration within those zones, organizing investment regulations, executing laws for the planning and operation of towns and villages, forming development plans, protecting the environment and natural resources, and take and exercising other powers delegated to it by the cabinet.²

Implementation of Commitment

¹ The Hashemite Kingdom of Jordan, Development and Free Zones Law [In Arabic] No. 2, 2008. Official Gazette 4885, February 17, 2008, Article 7.

² Ibid.

Interviews with government figures charged with commitment implementation revealed that despite the vague wording of the commitment, the officials had a clear interpretation of what this commitment means. According to an official interviewed at the Ministry of Industry, Trade, and Supplies, this commitment is about revisiting legislation and ensuring that there is a clear framework for authority at the local level within development and industrial zones, in order to ensure clarity between the respective roles of local government officials and zone authorities.³

This understanding of the commitment matches with commitments made in Jordan's National Agenda development plan for 2006-2015, which had as a main goal to increase investment in the country. In the plan's investment pillar, track one discusses restructuring, merging, and creating clearer coordination between the investment agencies responsible for free zones and development zones.⁴

In the 2014 Investment Law, the government clarified the roles of the development authorities relative to local authorities. The new law clearly delineates the new competencies of the Investment Commission, which replaced the old Jordan Investment Board in development zones and free zones. The law is applicable to all free zones and development zones, with the exception of the Aqaba Special Economic Zone. The law does not cover Qualifying Industrial Zones.⁵

Article 20 of the Law⁶ established the Investment Authority, and Article 21 grants the Authority the power to organize the special provisions of development and free zones in the Kingdom, their development, and assigns it with servicing the national economy and control of other bodies' application thereof. The Authority is linked to the Prime Minister. Article 19 of the Investment Law installs the Authority to be chaired by the Prime Minister and members include the ministers of Industry and Trade, Finance, Labor, and Planning, Chairman of the Investment Authority, Governor of the Central Bank, Presidents Chamber of Industry and Chamber of Commerce, and four representatives from the private sector.⁷

Article 36 states that within a free zone or development zone, the Investment Commission has the following competencies:

1. Exercising the competencies of municipalities' higher planning councils as well as those of local and district councils

³ Mohamed A. Zioud, Economic Policy and Consultation Director, The Ministry of Industry and Trade. Personal Interview, February 7, 2014.

⁴ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation (October 2005). *National Agenda 2006-2015*, accessed February 2, 2015, <http://inform.gov.jo/en-us/By-Date/Report-Details/ArticleId/5/2006-2015-National-Agenda>.

⁵ Investment Law [In Arabic] No. 30, 2014. Official Gazette 5308, October 16, 2014.

⁶ Investment Law, Article 20.

⁷ Ibid, Article 19.

2. Exercising the competencies of municipal councils, with the Chairman of the Investment Commission playing the role of Chair of the Municipal Council [Mayor]
3. Protecting the environment, water sources, natural resources, and biodiversity in accordance with the law and in cooperation with relevant authorities
4. Any other functions entrusted to the commission by the Council of Ministers⁸

Because this law specifies the authorities of the Investment Commission “regardless of anything mentioned in any other legislation”, it can be said to make a final statement about the competencies of the Investment Commission relative to those of municipalities. Therefore, this commitment can be deemed “completed”.

However, despite the implementation of this commitment raises two concerns, firstly it is important to ensure that the Municipal Law, which is expected to be changed in the near future, is consistent with the Investment Law to make sure that there are no discrepancies or conflicts between the two laws. Secondly, while clarifying the role of governing authorities in development and free zones is a positive step for strengthening rule of law and transparency in the Kingdom, merely clarifying the competencies of the Investment Commission does not necessarily lead to a positive environment for democratic participation, transparency, accountability, and openness. In fact, the Investment Law replaces the Municipal Council as elected, local body with an unelected, appointed one, namely the Investment Commission. Additionally, the law gives the commission competencies of several organizations, including District Councils, reducing the checks and balances inherent in the governance system. By having the Chair of the Investment Commission serve as the municipal head of free and development zones, the law concentrates power in the capital while denying any citizen residents of those zones the right to participate in the decision-making process. While it is important to remember that free and development zones are important areas for boosting the Kingdom’s overall economic development, these zones do not have to be managed in a way that seriously prejudices citizens rights.

Best Practices and Recommendations

Placing an appointed, centralized, national authority in direct charge of governing a district does not match with international consensus about the rights of citizens to govern themselves in some way at the local level. The European Charter of Local Self-Government, used as a model document by countries around the world, calls for citizens to be able to manage their affairs at the local level through local

⁸ Ibid, Article 36.

government, as local government offers the direct opportunities for citizen engagement.⁹ A system of governance for Jordan's economic and free trade zones that includes opportunities for more participatory and accountable governance would increase this commitment's contribution to overall openness and transparency.

⁹ Council of Europe (1984). *The European Charter of Local Self-Government*. Accessed February 13, 2015, <http://conventions.coe.int/Treaty/EN/Treaties/Html/122.htm>.

Commitment 15.5; Local Development Contributions

Commitment Title:	Stimulating the developmental role of companies working in the governorates	Number:	NIS 15.5
Implementing Actor: <i>(as in NIS)</i>	Ministry of Industry, Trade, and Supplies; The Development & Free Zones Commission, All government agencies concerned with investment	Timeline: <i>(as in NIS)</i>	First quarter 2014-continuous
Full text: <i>(as in NIS)</i>	Making it mandatory for and stimulating the companies working in the governorates, through the necessary legislation, to focus on their role in promoting local development, improving the economic, social and environmental situation in their areas and creating jobs for the youth.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

With respect to companies' roles in local development, there are no provisions in the companies or investment laws that require companies to make additional specific contributions to social or economic development of communities in which they work, other than the economic activity that they bring to the area. While a number of companies in Jordan choose to contribute additional funds for projects in the areas where they work, these kinds of corporate social responsibility initiatives are voluntary efforts.

However, the Jordanian tax law does work to incentivize corporations to donate money to charitable efforts; according to Article 10 of the Tax Law,¹ a company may deduct the full amount of charitable donations from the amount of its profits that are taxed, up to 25% of its total profits. Eligible donations include those for religious, charitable, humanitarian, scientific, environmental, cultural, sport, or professional aims, as long as they are approved by the Ministry of Finance as such.

Implementation of Commitment

¹ The Hashemite Kingdom of Jordan, Income Tax Law [In Arabic] No. 34, 2014. Official Gazette 5320, December 31, 2014.

Interviews with government figures responsible for implementing this commitment revealed that they understood the commitment to be about simply directing private sector economic activity to rural areas, even though the commitment references some kind of actions to encourage companies to play a specific role in local development. According to interviews with officials at both the Ministry of Industry and Trade and the Jordan Enterprise Development Corporation (JEDCO), this commitment refers to the government's responsibility to promote private investment in underserved areas of the country, working to ensure that economic activity and job growth can take place in the areas of greatest need.²

Best Practices and Recommendations

A growing number of countries around the world are working to direct investment flows and development opportunities to rural areas in order to raise the level of economic development therein and reduce regional disparities across their countries. Efforts to promote development outside of the capital not only help improve its inhabitants well-being, they also prevent many negative economic, social, and environmental effects that come with urbanization and the concentration of populations in major cities.

Countries such as Egypt, Pakistan, India, Thailand, and Nigeria use tax schemes that give investors specific tax cuts and other non-tax incentives to invest in areas in need of development, much like Jordan's scheme of development and free zones. Nigeria also provides special incentives for companies starting operation in areas where infrastructure is lacking.³ Types of incentives include reduced income taxes, reduced tariffs, and provision of services and infrastructure.⁴

In general, countries looking to develop specific regions should consider that each region may have different development opportunities and constraints. For this end it can be useful to name these specifically in their policies to ensure targeted investment. It can also be useful for governments to target their incentives to attract the type of investment and development most needed by those regions. For example, if a certain region is in need of employment opportunities, the government should work to encourage projects with a heavy focus on labor.⁵ Ultimately, citizens in targeted regions should be involved in helping determine the development priorities to ensure that the right investments will be made.⁶

One widespread practice used in many countries around the world is giving tax incentives for charitable donations to corporations, which, as described above, is

² Mohamed A. Zioud, Economic Policy and Consultation Director, The Ministry of Industry and Trade. Personal Interview, February 7, 2015.

³ United Nations Conference on Trade and Development (UNCTAD). *Tax Incentives and Foreign Direct Investment*, accessed February 4, 2015, http://unctad.org/en/Docs/iteipcmisc3_en.pdf, p. 12.

⁴ Ibid, p. 20-22.

⁵ Ibid, p. 24.

already partially the case in Jordan. Allowing tax deductible donations is a good way to encourage private sector investment in local social and economic development. Often, when companies have a general desire to build up good relations with the communities around them, tax incentives can provide additional stimulus needed to push them to initiate charitable development projects. One study found that 77% of countries offer tax incentives for corporations to donate money to non-profit organizations, and in countries with tax incentives, rates of charitable giving are higher.⁷

In many countries, however, the procedures for tax deductible donations are much easier than they are in Jordan. Jordan requires specific approval from the Ministry of Finance for tax deductible donations, which can have the effect of making it harder and more complicated for companies to make tax deductible donations, ultimately discouraging such activity. Countries like the US and Britain, however, have standardized designations that civil society and non-profit groups can obtain in order to become pre-approved recipients of tax-free donations.⁸ Donations to these pre-approved groups are automatically tax-free, greatly reducing the costs and efforts needed to make them.

⁷ Nexus. *Rules to Give By: A Global Philanthropy Legal Environment Index*, accessed February 5, 2015, <http://www.nexusyouthsummit.org/wp-content/uploads/2014/12/RULES-TO-GIVE-BY-FINAL-Print.pdf>, p. 10.

⁸ Government of the United Kingdom. *Tax When Your Limited Company Gives to Charity*. Accessed May 3, 2015, <https://www.gov.uk/tax-limited-company-gives-to-charity/overview>; and Internal Revenue Service, Government of the United States. *Charitable Contributions, Publication 542*. Accessed May 3, 2015, http://www.irs.gov/publications/p542/ar02.html#en_US_2011_publink1000257846.

Commitment 15.7 Developing municipalities' performance

Commitment Title:	Developing municipalities' performance	Number:	15.7
Implementing Actor: <i>(as in NIS)</i>	Ministry of Municipal Affairs	Timeline: <i>(as in NIS)</i>	First quarter 2014- fourth quarter 2016
Full text: <i>(as in NIS)</i>	Developing municipalities' performance: <ul style="list-style-type: none"> - Revisiting the legislation and powers that would enhance the developmental role of municipalities and local councils and enroot decentralisation, and ensure integration between the role of municipalities and that of the local community in an aim to address issues of poverty, unemployment and the environment. - Examining the situation of municipalities and their potential and capabilities to generate revenues that enable them to sustain their operations, along with studying the size of the tasks vested in each, the range of its geographical area, the demographical elements that have an impact on the region, human resources, financial resources, vehicles and equipment and the technological structure. - Drawing up plans for the municipalities that should be integrated with the government schemes, results-oriented and involving a field timeframe for implementation. - Activating follow-up on municipalities' plans and oversight of their performance and spending. 		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Municipalities in Jordan are one of the most important civil development institutions, as well as the main agent of governmental representation in governorates and villages and thus are considered the largest elected authority there. The legal framework in place governing this authority is the Municipalities Law No. 13 of 2011,¹ as amended by the Amended Municipalities Law No. 7 of

¹ The Hashemite Kingdom of Jordan, Municipalities Law, [In Arabic] No. 12, 2011. Official Gazette 5114, September 15, 2011.

2012.² This law replaced the Municipalities Law No. 14 of 2007.³ The new 2011 law strengthened the developmental and service provision role of municipalities. For example, Article 40-L provides the municipality with the ability to initiate their own developmental and investment projects, stipulating that municipalities may “Prepare, implement, and follow-up on plans and programs to realize sustainable development with participation of the local community, and exercise the local character, administration of all services, and local facilities and projects assigned to it through cooperation with the private sector and civil society organizations.”

More initiatives have been conducted in line with the aims of the commitment, such as the ‘My Municipality’ project. This was started in 2010, consistent with goals stipulated in the 2006-2015 National Agenda, specifically to “improve quality of life for all Jordanians by way of creating income-generating opportunities, and improving living standards and social security guarantees.”⁴ The program operates with continued support from the EU Delegation to Jordan, under its Poverty Alleviation and Local Development Programme.⁵ Additionally, it falls in line with the Ministry of Municipal Affairs’ strategic plan for 2008-2011,⁶ which envisions, inter alia, the creation of a mechanism to retain qualified staff through performance-based incentives and commitment to strengthening development, investment, and the role of municipalities.

The Ministry of Municipal Affairs clarified that the Department of Studies and Institutional Development carried out a study throughout 2011-12 regarding the developmental role of municipalities, developmental projects, and cooperation with the private sector. Based on this, partnership with the private sector was started in 2012, resulting in the implementation of a number of projects. For example, the al ‘Amiriya Municipality project, where a factory for the production of milk, cheese, margarine, and ‘jameed’ was funded by the Jordan Oil Shale Company; and the al Wasatiya Municipality project where, in cooperation with the Ministries of Municipal Affairs and Labor, a clothing factory was established; as well as the al Sharah Municipality project, where a textile and Eastern embroideries factory was opened in cooperation with Safi wa Al Hind Company.⁷

² The Hashemite Kingdom of Jordan, Amendment to the Municipalities Law [In Arabic] No. 7, 2012. Official Gazette 5145, March 14, 2012.

³ The Hashemite Kingdom of Jordan, Municipalities Law [In Arabic] No. 14, 2007. Official Gazette 4820, April 8, 2007

⁴ The Hashemite Kingdom of Jordan, Ministry of Planning and International Cooperation (October 2005). *The National Agenda 2006-2015*, accessed February 13, 2015, <http://goo.gl/2jK7xp>.

⁵ European External Action Service, Delegation of the European Union to the Hashemite Kingdom of Jordan (May 2010). *EU, Jordan Sign Energy and Local Development Agreements Totaling €13 Million (31/05/2010)*. Accessed April 15, 2015, http://eeas.europa.eu/delegations/jordan/press_corner/all_news/news/2010/20100531_01_en.htm.

⁶ The Hashemite Kingdom of Jordan, Ministry of Municipal Affairs, *Strategy of the Ministry of Municipal Affairs* [In Arabic]. Accessed April 15, 2015, <http://www.mma.gov.jo/Ministry/strategy.aspx>.

⁷ Ibid.

In interviews conducted with two employees of the Ministry of Municipalities,⁸ they expanded on initiatives carried out during 2013 specifically that of teams personally visiting municipalities for assessment purposes of which reports were delivered to the Ministry and the Cabinet. No public documentation hereof was recovered by the research team, however. The results as declared by the interviewees are as follows:

1. Weakness in the financial, administrative, and professional abilities in the municipalities
2. Limited financial resources and municipal revenue collections
3. Shortage in equipment and vehicle provision
4. Presence of a large number of idled machined mechanisms in need for maintenance
5. Low level of cleaning services
6. The large amount of staff renders them ineffective
7. Lack of [organizational] structures and weak job descriptions in some municipalities
8. Lack of experience of some Municipal Council members

Building on these results, the Ministry took a number of steps for improvement. One of these is the doubling of the share of Municipalities in the total amount of fuel profits, reaching 150 million JoD, a significant increase from the 75 million received in the years prior to 2013. Additionally, in coordination with the Ministry of Planning and International Cooperation, it worked to provide a wide range of machinery and equipment for the benefit of municipalities through programs and projects provided by donor countries and organizations. A training program continuing on that started in 2003 was implemented for Municipal Council Members and their staff. This is still being conducted resulting from a larger focus hereon after the last municipal elections which took place in August 2013. Additionally, the Ministry of Municipalities implemented a comprehensive planning project for municipalities, which includes an economic and social study, as well as of the resources and needs thereof in a master plan for the coming 20 years. Also, a database of municipalities was prepared to be used by decision-makers in institutions such as the Cabinet and the Ministry of Planning.

The Ministry also implemented a project entitled the Regional and Local Development Project (RLDP), which has a budget of around 50.5 million US dollars in loans from the International Bank for Reconstruction and Development (IBRD) and a loan and grant from the French Development Agency (AFD). This project aims to help the Jordanian government “promoting regionally balanced local development,”⁹ focusing on municipalities and “other ancillary support institutions.” Specifically, this is done through the following;

⁸ Muna al Qalab, Legal Advisor to the Minister. Personal interview, April 19, 2015, and Eng. Hussein Muheidat, Director Local Councils. Personal interview, April 19, 2015.

⁹ Devex International (October 2012). *Regional and Local Development Project (J-RDLP) In Jordan: Conduct Financial Analysis*, accessed April 15, 2015, <https://www.devex.com/projects/tenders/regional-and-local-development-project-j-rldp-in-jordan-conduct-financial-analysis/85855>.

1. Develop municipalities to become local administrative units capable of efficient and effective service provision, in accordance with the standards of accountability, transparency, and participation.
2. Strengthening the institutional capacity of the Ministry of Municipal Affairs in the organizing and supervision of municipalities, and to develop a system for governmental support and ensure adequate and equitable distribution of financial support between the various municipalities.
3. Restructuring the Cities and Villages Development Bank, increasing its effectiveness and efficiency, and providing the necessary conditions for its success through diversification of financial products and services provided by municipalities, and strengthening the institutional capacities of the municipalities for these purposes.
4. Developing methods and tools of urban and regional planning, and providing appropriate joint action between the municipalities in implementation of mega- projects¹⁰

Also during 2012-2013, the government by way of the Ministry of Municipal Affairs took a number of measures to monitor and control municipal programs and their performance and expenditure, such as through approval of a system to evaluate and award municipalities, as stated in the 2013-2017 Anti-Corruption Strategy.¹¹ This states that special teams should evaluate the performance of municipalities and publish the results, based on which prizes will be extended to municipalities with the highest rankings in the field of financial, administrative, and professional capacities. Additionally, since 2013, it has been asked from the municipalities to prepare their final accounts, showing the extent of commitment to budget items and balancing and expenditure within its budgetary plan.¹²

Implementation

The Ministry of Municipal Affairs, in January 2014, amended the special recruitment system for municipal employees. The director of the Legal Department at the time, confirmed that the Ministry has amended this to comply with the government's and other ministry's recent trends, and to include all appointments of workers within the scope of the Civil Service Bureau.¹³

As a result of Jordan's following the path of decentralization, the focus already mentioned above on the necessity to develop municipal work was further targeted at the technical level. Accompanying, the importance of creating a strong legal framework was realized, which led to two laws being revised, as well as bylaws. One

¹⁰ Hashemite Kingdom of Jordan, Ministry of Municipal Affairs. *Regional and Local Development Project – Introduction* [In Arabic]. Accessed April 15, 2015, <http://www.mma.gov.jo/RLDP/Intro.aspx>.

¹¹ Jordanian Anti-Corruption Commission (JACC) (2013). *National Strategy for Combating Corruption 2013-2017* [In Arabic], accessed February 10, 2015, <http://goo.gl/dBmC8l>.

¹² Ibid, Muna al Qalab and Eng. Hussein Muheidat.

¹³ Al Dustour (January 31, 2014). *Approval of the system for Municipal Employees and Appointment in Municipalities in Annual Contracts* [In Arabic]. Accessed February 15, 2015, <http://goo.gl/MqjkvI>.

of these is the proposed Draft Municipal Law of 2014, which included a special Bylaw for Decentralization.¹⁴ Later in 2014, in August, this was separated into the Provincial Governorates Councils' Law¹⁵ and the Municipal Law.¹⁶

A number of Municipalities carried out their own development projects, spending 588,000 JoD throughout 2014.¹⁷ The Director of Public Affairs and Media of the Minister of Municipal Affairs, was reported to have said that these projects are part of several programs in addition to the ministry's support and participation of the private sector. He also confirmed the developmental role of the municipalities and the importance of the role the private sector plays in participation in strengthening local development.¹⁸

The City Development Strategy (CDS) project was started in line with the RLDP outlined above, and aims to help the four secondary cities, namely Mafrqa, Zarqa, Karak, and Tafileh by laying out development strategies to generate growth opportunities for local economies outside the capital. Simultaneously, capacity building efforts are conducted in Zarqa and Karak.

These initiatives represent significant steps toward implementation of the commitment. As the stipulated timeframe for the commitment lasts until the end of 2016, there is hope that this progress will encourage the government to continue working through the end of this period for a fuller and more robust implementation. This is especially salient goal in light of the fact that the commitment overlaps in many ways with the goals of the Ministry of Municipal Affairs as stated on its website.¹⁹

Efforts to build up municipalities should try to avoid only focusing on common areas such as local government councils, civil servants, and local executive bodies, and instead try to take broader views of the actors needing capacity building based on broad stakeholders analyses. These kinds of efforts should begin with trustworthy assessments of current capacity and stakeholders' needs that take place in a participatory manner.²⁰

The Council of Europe has published a guide on the important components of local capacity building. According to this guide, a well-functioning municipality must

¹⁴ Ibid, Draft Municipal Law, 2014.

¹⁵ Hashemite Kingdom of Jordan. Draft Governorates Councils' Law [In Arabic], 2014. Accessed April 30, 2015, http://lob.jo/View_LawContent.aspx?ID=412.

¹⁶ Ibid, Draft Municipal Law, 2014.

¹⁷ Al Sabeel (December 1, 2014). *Municipal Development Projects* [In Arabic]. Accessed April 30, 2015, <http://goo.gl/e7B6Lr>.

¹⁸ Ibid.

¹⁹ Ministry of Municipal Affairs. *National Goals* [In Arabic]. Accessed April 15, 2015, <http://www.mma.gov.jo/Ministry/MinistryGoals.aspx>.

²⁰ John-Mary Kauzya, Department of Economic and Social Affairs, the United Nations Headquarters (2003). *Local Governance Capacity Building for Full Range Participation: Concepts, Frameworks, and Experiences in African Countries*, ST/ESA/2003/DP/33, DESA Discussion Paper No. 33., accessed January 31, 2015, <http://www.un.org/esa/desa/papers/2003/esa03dp33.pdf>, p. 7-9.

make provisions to hear the voices of the community it is serving. This kind of connection must be stronger than simple elections. There need to be mechanisms for “deeper engagement”.²¹

Local governments must meet the needs of women, as women make up 50% of their constituents, and also because many specific needs of women are closely connected to areas served by local government, like healthcare, education, and other service provision. While Municipalities should work to serve the needs of women and be sensitive to them, they also must incorporate women’s participation within the government structures themselves if they are going to meet these needs and govern equitably.²² The UN Sourcebook for Women’s Participation in Local Government is an essential resource.²³ As the sourcebook points out, not including women in government violates human rights, makes it hard for women to participate in local political life, and makes the government less efficient because it reduces the pool of qualified people available for work in the government.²⁴

The local government capacity building effort undertaken in Uganda provides a number of useful examples of policies that seek to holistically meet the needs of local communities. The initiative stemmed from the country’s National Local Government Capacity Building Policy, a large framework launched by the country’s Ministry of Local Government in 2006. The framework addressed a number of national capacity building needs by creating a Local Government Capacity Building Unit, Capacity Building Technical Working Groups, Human Resource Management Units in Local Governments, Resource pools, standardized training manuals, pre-qualification of training providers, guidelines for capacity building, and development of 3 year plans by local councils. The Local Capacity Building Steering Committee was chaired by a Ministry. Under the plan, specific strategies allocated clear tasks to different ministries, while a number of technical working groups developed manuals and technical criteria that could be used during the process. Local councils participated in building local development plans that had clear goals. Overall, the process was one in which a diverse group of actors were brought together, but a number of strategies and plans gave those actors clear mandates with goals and targets. Agencies working as part of the plan worked to develop clear

²¹The Council of Europe (2005). *Toolkit of Local Government Capacity-Building Programmes*, accessed January 31, 2015,

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2565163&SecMode=1&DocId=1910750&Usage=2>, p. 283.

²²Federation of Canadian Municipalities (2009). *Promoting Women’s Leadership in local Government: Local government associations help women meet the challenge*, Case Study Series on Local Government Association Capacity Building, accessed January 31, 2015, http://www.fcm.ca/Documents/case-studies/International/Promoting_womens_leadership_in_local_government_Local_government_association_s_help_women_meet_the_challenge_EN.pdf.

²³United Nations Human Settlements Programme, UN-Habitat, (2008). *Gender in Local Government: A sourcebook for trainers*, accessed January 31, 2015, http://www.un.org/womenwatch/directory/pdf/Source_BK_9-May.pdf.

²⁴Ibid, 50.

technical criteria for their training to ensure that the programs could be implemented nationwide.²⁵

One critical lesson learned in this program was the need for sustainability. After 7 years of implementation of the Ugandan reform program, planners identified significant needs remaining in local government and new needs arising as time went on, even as funding for the program began to decline. A key conclusion of this is that local government reform programs should be planned with longevity in mind, and sustainability should be kept in mind when planning out project funding.

²⁵ Republic of Uganda, Ministry of Local Government (November 2013). *National Local Government Capacity Building Policy (NLGCBP)*, accessed January 31, 2015, <http://www.ug.undp.org/content/dam/uganda/img/Research%20and%20Publications/Revised%20NLGCBP%20Policy%202012.pdf>.

Commitment 18.1; Political Parties Law

Commitment Title:	Revising the Parties Law	Number:	NIS 18.1
Implementing Actor: <i>(as in NIS)</i>	Ministry of Political and Parliamentary Affairs / Ministry of Interior	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Second Quarter 2014
Full text: <i>(as in NIS)</i>	Revisiting legislation governing partisan action in the Kingdom to ensure it is consistent with the Constitution and the international standards the state is committed to observing, with the aim of developing partisan and political action.		

SMART Attributes	<input type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

Article 16 of the Jordanian Constitution guarantees the right of Jordanians to form political parties and stipulates that further laws should govern how parties operate.¹ Until 2007, the Political Parties Law No. 32 (1992), governed the framework whereby parties with 50 founding members could register and participate in public life under the supervision of the Minister of Interior.² After a call by HM King Abdullah II in 2006 for greater focus on political ideas in elections and less of a focus on tribal and family politics,³ the parliament passed a new Political Parties Law No. 19 in 2007.⁴ This law tightened the requirements for political parties to register, leading the Interior Minister to investigate the country's 36 parties and determine that only 12 had registrations to be considered valid. The remaining 24 were either dissolved or merged.⁵

¹ The Hashemite Kingdom of Jordan, 2011 Constitution of Jordan, Article 16, Section 1-3.

² The Hashemite Kingdom of Jordan, Political Parties Law [In Arabic] No. 32, 1992. Official Gazette 3581, September 1, 1992.

³ European Forum for Democracy and Solidarity. *Jordan*. Accessed January 21, 2014, <http://goo.gl/3JHv0K>.

⁴ The Hashemite Kingdom of Jordan, Political Parties Law [In Arabic] No. 19, 2007. Official Gazette 4821, April 16, 2007.

⁵ Mohammad Ben Hussein, The Jordan Times (April 16, 2008). *24 Political Parties Dissolved in Accordance with Political Parties Law*. Accessed January 21, 2015, <http://www.jordantimes.com/index.php?news=7208>.

A newer Political Parties Law was published in 2012,⁶ under which parties have to register as long as they have 500 founding members spread across seven of Jordan's 12 governorates, which is an increase from the five governorates required in the 2007 law. The law allows political parties to receive public funds, and protects citizens from discrimination or harassment based on affiliation with a party. Both the 2007 Law and the 2012 Law have been criticized for having provisions that make it difficult for parties to register and operate.⁷ However, the 2012 Law has a number of changes that mostly increased the freedoms given to parties. Significant changes in this law included:

1. Removing some of the bureaucratic barriers to party registration
2. Creating the Political Parties Affairs Committee to oversee parties. This committee is comprised of representatives from the ministries and civil society and is under the supervision of the Ministry of Interior, but has some independence (Article 9)
3. Requiring that new parties must have 10% female membership to register (Article 6)
4. Raising the limit of individual contributions to parties to 50,000 JD, and continuing the prohibition against corporate donations to parties (Article 25)
5. Removing the requirement from the 2007 law that all founding members of parties obtain criminal records clearances from the Ministry of Interior, which was seen as time consuming and intimidating (Article 10)
6. Expanding parties' privileges to own property, publish, and run media outlets (Article 26)
7. Increasing requirements on parties to report on their finances (Article 29)
8. Mandating punishments for those discriminating against citizens for party affiliation (Article 19)

While the Parties Law is the primary legislation affecting how parties operate, the role that parties can play in politics is also affected greatly by the structure of the voting system as defined in the Elections Law. The number of seats set aside for proportional representation of national lists does not require a party registration but merely national list registration, as occurred during the 2013 Parliamentary Elections, which restricts the role that parties can play in political life. In fact, parties such as the Islamic Action Front that have boycotted 1997, 2010, and 2013 elections⁸ have blamed the Elections Law, rather than the Parties Law, for supposed barriers to greater participation.⁹

⁶ The Hashemite Kingdom of Jordan, Political Parties Law [In Arabic] No. 16, 2012. Official Gazette 5161, June 7, 2012.

⁷ Al Wakeel News. *Al Aksh: The Jordanian Political Parties Law is a Democratic Mistake*. Accessed January 7, 2015, <http://www.alwakeelnews.com/print.php?id=6879>.

⁸ Ahmad Awwad, researcher, Phenix Center for Economic and Informatics Studies. Personal interview, Amman, April 12, 2014.

⁹ Friedrich Ebert Stiftung (December 2012). *Financing of Political Parties in Jordan*. Accessed January 7, 2015, <http://goo.gl/TNVXgo>; and Democracy Reporting International and Identity Center (March

In a report on the 2013 parliamentary elections, Al Hayat Center's RASED for Election Monitoring program made a number of recommendations for revising the Parties Law based on its observations of the elections and its work with a large network of CSOs across the country. Recommendations included;

1. Amending Article 6 to lower the number of founding members required for a party from 500 to 250.
2. Amending Article 6 to lower the age for founding members of parties from 21 to 18, since 18 is the age required for membership in a party.
3. Amending Article 9 which stipulates that political parties are overseen by the Political Parties Affairs Committee in the Ministry of Interior, in order to make the Committee independent to prevent government interference in party work and to support the independence of parties.
4. Including provisions to provide for a system of financial support from the government to political parties to help boost their capacities.

RASED also recommended that the regulations for Jordanian universities be changed to end the ban on political or party activity on campuses, in order to promote the political participation of young people.¹⁰

Implementation of the Commitment

The text of the commitment refers to revisiting the legislation in the first and second quarter of 2014. In April 2014, the Cabinet released a new draft Political Parties Law, ostensibly for the purpose of strengthening parties' contributions to political life in Jordan.¹¹ The law contained significant revisions to the 2012 law. These include:¹²

1. Giving oversight of parties to a new "Committee for Managing Party Registration Requests and Overseeing their Affairs" under the Ministry of Political and Parliamentary Affairs
2. Reducing the number of founding members required of a party from 500 to 150
3. Removing the requirement that parties have founding members in all 7 governorates of Jordan
4. Lowering the age for the founding members of parties from 21 to 18

2013). *Assessment of the Electoral Framework: Hashemite Kingdom of Jordan*. Accessed January 7, 2015, <http://goo.gl/C8hgLs>.

¹⁰ Al Hayat Center for Civil Society Development (March 2013). *Final Monitoring Report for the 2013 Parliamentary Elections*, accessed January 6, 2015, <http://www.hayatcenter.org/publications/final-report-on-monitoring-jordans-2013-parliamentary-elections/>, p. 42-43.

¹¹ The Hashemite Kingdom of Jordan, Embassy of the Hashemite Kingdom of Jordan, Washington, D.C. (April 30, 2014). *Cabinet Approves Political Parties Law*. Accessed January 6 2015, <http://goo.gl/vd8SE2>.

¹² Arab Pilot News. *Text of the Draft Political Parties Law for 2014*. Accessed January 2014, <http://arabpilotnews.com/?p=6587>.

5. Removing the 10% women’s quota in the founding membership of parties¹³

A number of women’s groups spoke out against the fact that the draft law took away the quota for women in political parties.¹⁴ These groups included the Jordanian National Commission for Women, the Jordanian Women’s Union, and a number of other CSOs.¹⁵ The 2014 draft law appears to increase inclusivity by reducing the registration requirements for parties, and supports the inclusion of youth by reducing the age for party founding. In fact, some of these changes are in line with RASED’s recommendations from 2013, referenced above.

The House of Representatives launched what it called “a national dialogue” to discuss the draft with stakeholders in August 2014. The first of these events was a forum held with political parties. Parties agreed that the Ministry of Interior should have less of a role in overseeing political parties.¹⁶ According to the King’s Throne Speech at the beginning of the 2nd Ordinary Session of the 17th Parliament in November 2014, passing a final version of this law is one of the most important actions on the Parliament’s agenda.¹⁷ As of January 2015, the draft law was awaiting endorsement by the Legal Committee of the House of Representatives before going to general debate.¹⁸

The proposed amendment was discussed with several party representatives to determine their level of involvement in creating in the draft law and their opinion of its final version. Representatives of two parties reported that they had not been involved in any consultations with the government before the draft’s consultation, but one of the parties had taken the initiative and sent suggestions for the draft law to concerned government agencies.¹⁹ The Jordanian National Youth Party had engaged in dialogue about the proposed law with the Legal Committee in the House of Representatives, where it had advocated strongly for five reforms to the law. These suggested reforms included clearly defining the role of parties and their right to engage in political work, creating an body independent from the government to regulate parties, removing criminal penalties from the Parties Law, making

¹³ Petra News (April 30, 2014). *Council of Ministers Approves Draft Political Parties Law* [In Arabic]. Accessed January 22, 2015, <http://goo.gl/5sqWdK>.

¹⁴ Rana Husseini, The Jordan Times (January 21, 2015). *Activists want 10% women’s quota in political parties* [In Arabic]. Accessed January 22, 2015, <http://goo.gl/M0ojOD>.

¹⁵ Rana Husseini, The Jordanian National Commission for Women (August 25, 2014). *Activists reject gov’t move to scrap 10% women quota in the political parties law*. Accessed January 22, 2015, <http://goo.gl/LkwioE>.

¹⁶ Khaled Neimat, The Jordan Times (August 12, 2014). *House panel begins meetings with stakeholders over political parties bill* [In Arabic]. Accessed January 22, 2015, <http://goo.gl/PZDC4u>.

¹⁷ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II (November 2, 2014). *The Throne Speech for the Opening of the Second Ordinary Session of the 17th Parliament* [In Arabic]. Accessed January 22, 2015, at <http://goo.gl/Ueue38>.

¹⁸ Rana Husseini, The Jordan Times (January 21, 2015).

¹⁹ Jamal Al Alwim, member, Al Tayyar al Watani Party. Personal interview, May 14, 2015; and Dr. Ahmad Al Shanaaq, member, Al Watani Al Dustouri Party. Personal interview, May 14, 2015.

provisions for public (i.e. government) funding for political parties, and removing the provisions of the law that allow the government to intervene in party work.²⁰

In summary, in 2014 the “revisiting of legislation” referred to in the commitment was achieved by the bodies responsible for implementation. The law has not been passed yet, however, thus its impact cannot be measured – noting that this falls outside the scope of what is envisioned in the commitment, and currently responsibility for further handling of the law lays with the Parliament.

Best Practices and Recommendations

Guidelines by the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights and the Venice Commission of the Council of Europe suggest that governments should attempt to formulate laws that encourage party formation rather than discourage it.²¹ The requirement of 500 founding members for a party is not outside a common range, where South Africa and Australia require the same number of members.²² However, combined with other components of the law, such as the requirement that members be from seven governorates, as it is currently in the law, and in the Jordanian context where parties are weak and underdeveloped, this could create conditions that could discourage party growth in the coming years.

It is recommended that the government continue consulting with civil society groups, parties, and women’s groups, in order to determine how to draft the new legislation in a way that will ensure women’s participation and facilitate creation of new parties. Overall, provisions that remove barriers to party registration and give them a better ability to participate in the political system will enhance the quality of representation for citizens, and will help support political action based on ideas instead of on tribal and local allegiances.

With respect to the provisions for quotas for women as founding members of political parties, the government should undertake consultation with a broad range of women’s groups to see how this kind of regulation fits in with the priorities of women with different interests. On one hand, requiring that women constitute a certain percentage of founding members of a party may boost women’s inclusion in party politics. On the other hand, it might limit the creation of new parties—especially in rural areas of the country—in such a serious way that overall, opportunities for women’s participation in party politics would be fewer than they

²⁰ Abdul Majid, member, Jordanian National Youth Party, Personal interview, May 14, 2015.

²¹ Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights and the Venice Commission of the Council of Europe, (October 25, 2010). *Guidelines on Political Parties Regulation*. Accessed January 26, 2015, <http://goo.gl/nyrEuB>.

²² Electoral Commission of South Africa. *How to register a party*. Accessed January 26, 2015, <http://www.elections.org.za/content/Parties/How-to-register-a-party>; and Australian Electoral Commission. *Party registration overview*. Accessed January 26, 2015, http://www.aec.gov.au/parties_and_representatives/party_registration/overview.htm.

would be without the regulation. Therefore, it is important to solicit broad feedback on this issue and engage in careful investigations.

In other countries, it is typical for political parties themselves to take the initiative to promote women's inclusion, without government regulation to that effect, other than quotas for elected bodies. Different strategies, as typified in a study by the National Democracy Institute, include calling for gender equality in the party's founding framework, establishing measures to ensure women play a role in the internal governance of the party, aiming to increase women's participation in party conventions, establishing specific sub-bodies for women's interests with appropriate support, and making sure that all of the party's positions and policies have a gendered.²³

International IDEA suggests that creating a carefully crafted regime governing campaign finances is a good way to regulate and stimulate political party activity in the country; campaign finance regulation should have specific goals, such as limiting corruption or promoting party growth, and at the same time realistically address the needs and challenges of the political climate it is meant for. In addition, provisions for public financing of parties can often strengthen parties' work and provide more opportunities for women to get involved.²⁴

²³ Julie Ballington, National Democracy Institute and the UN Development Program (February 2012). *Empowering Women for Stronger Political Parties: A Guidebook to Promote Women's Political Participation*, accessed January 28, 2015, <https://www.ndi.org/files/Empowering-Women-Full-Case-Study-ENG.pdf>, p. 4.

²⁴ International Institute for Democracy and Electoral Assistance (November 2014). *Political Parties and Citizen Movements in Asia and Europe*, accessed January 28, 2015, <http://goo.gl/a5X3g2>, p. 355.

Commitment 18.2; Election Law

Commitment Title:	Revisiting and developing the Election Law	Number:	18.2
Implementing Actor: <i>(as in NIS)</i>	Parliament/ Prime Ministry / Ministry of Political and Parliamentary Affairs / Legislation and Opinion Bureau	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Fourth Quarter 2014
Full text: <i>(as in NIS)</i>	Revisiting and developing the Election Law and subsequent regulations and instructions with the aim of formulating a new law that leads to a qualitative leap in parliamentary life as part of the drive towards parliamentary governments, guarantees fair representation, encourages community members' participation and unity, stimulates partisan action in letter and spirit and provides feasible mechanisms to fight political money, towards having a Lower House that exercises its oversight and legislative roles with the highest degree of efficiency and responsibility		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

According to Article 34 of the Constitution, the King has the power to call for parliamentary elections in accordance with the law.¹ According to Article 67, elections should take place every four years, though the King has the power to extend this period for no less than one and no more than two years.² Article 16 stipulates that all citizens have the right to form political parties and that further laws should govern how parties operate.³

The 1993 Election Law Amendment legalized political parties and instituted a single non-transferrable vote system (SNTV) in which each voter is allowed to vote for

¹ The Hashemite Kingdom of Jordan, 2011 Constitution of Jordan, Article 34, Sections 1-4.

² Ibid, Article 67, Sections 1-3.

³ Ibid, Article 16, Sections 1-3.

only one candidate in districts with multiple members.⁴ In 1997, additional amendments were passed in Amended Election Law No. 24.⁵

A new election law in 2001, which was a temporary law,⁶ adjusted the number of members in the Parliament to 110. Following, another two amended laws – also temporary, were enacted in 2002 and 2003.⁷ Yet another temporary law redistricted the country in 2010,⁸ and assigned new seats to areas of Amman, Irbid, and Zarqa, and added 12 seats reserved for women, effectively raising the number of seats in the House to 120.⁹

Following the 2011 National Dialogue on political reform, the Independent Electoral Commission Law No. 11¹⁰ and Election Law No. 25¹¹ and its amendments (Law No. 28)¹² were passed in 2012. The latter is the current law and stipulates that elections will be monitored by the newly created Independent Election Commission (IEC). The IEC is tasked with the supervision and administration of parliamentary elections, according to the law.

Election Law No. 25 of 2012 altered the electoral system, creating 27 seats in the Lower House to be elected through a closed proportional list system in one national district. Under this system each voter is given two votes, one of which will be for a candidate at the district level and one for a closed proportional list that will compete for those 27 seats. Under this system, the parliament currently has 150 seats, divided among 27 seats in the closed-list PR system - for a national district, and 123 seats elected through the districts, either through the SNTV system in multimember districts, the first past the post system by default in single member districts, or through minority and gender quotas. Of these 123 seats, 87 are for Muslim

⁴ The Hashemite Kingdom of Jordan, His Majesty King Hussein, *The Legislative Branch*. Accessed January 15, 2015, <http://www.kinghussein.gov.jo/government3.html>.

⁵ The Hashemite Kingdom of Jordan, Amended Parliamentary Election Law [In Arabic] No. 24, 1997. Official Gazette number unavailable.

⁶ The Hashemite Kingdom of Jordan, Temporary Amended Parliamentary Election Law [In Arabic] No. 34, 2001. Official Gazette 4497, September 19, 2001.

⁷ The Hashemite Kingdom of Jordan, Temporary Amended Parliamentary Election Law [In Arabic] No. 27, 2002. Official Gazette 4547, May 16, 2002; and The Hashemite Kingdom of Jordan, Temporary Amended Parliamentary Election Law [In Arabic] No. 11, 2003. Official Gazette 4586, February 16, 2003.

⁸ The Hashemite Kingdom of Jordan, Temporary Amended Parliamentary Election Law [In Arabic] No. 9, 2010. Official Gazette 5032, May 19, 2010.

⁹ Konrad Adenauer Stiftung (October 2010). *Jordan's 2010 Election Law: Democratization or Stagnation?*, accessed February 20, 2015, http://www.kas.de/wf/doc/kas_20947-1522-2-30.pdf?101108101415.

¹⁰ The Hashemite Kingdom of Jordan, Independent Electoral Commission Law [In Arabic] No. 11, 2012. Official Gazette 5152, April 9, 2012.

¹¹ The Hashemite Kingdom of Jordan, Parliamentary Election Law [In Arabic] No. 25, 2012. Official Gazette 5165, July 1, 2012.

¹² The Hashemite Kingdom of Jordan, Amended Parliamentary Election Law [In Arabic] No. 28, 2012. Official Gazette 5169, July 25, 2012.

candidates, 9 for Christians, 3 for Circassians and Chechens, 9 for residents of the Badia, and 15 for women.¹³

According to multiple analyses, equal representation is lacking under the present electoral law, as some areas such as Ma'an and Karak have a great deal more voting power than urban areas such as Amman and Kura district in Irbid, due to imbalances in the numbers of representatives relative to the population size. In combination with the persistence of the SNTV system, this privileges candidates competing on the basis of tribal affiliations and personal connections, thus compromising the efficacy of political parties.¹⁴

The Al Hayat Center report on the outcomes of the 2013 Parliamentary Elections contains a number of recommendations for strengthening the electoral law system to enhance democratic representation and participation in the country. These recommendations included:

1. Replacing the single vote system in multi-member districts with a bloc voting system, giving citizens multiple votes equal to the number of seats contested. This would give voters more choices in the electoral process and help reduce the impact of voting based on tribal or family affiliation.
2. An expansion of the proportional representation system list to include one third of parliamentary seats. This would help to focus elections more on parties and lists with campaign platforms and ideas, instead of focusing on personality politics.
3. Expanding the size of electoral districts across the country so that each contains approximately three seats. This would make representatives responsible for a broader selection of people and help cut down on the importance of political money and personal favors.
4. Adding provisions to support women's inclusion in politics, such the implementation of a "Zipper List" system for proportional representation lists. "Zipper lists" are candidate lists where the rankings of candidates must alternate between men and women in order to ensure that a roughly even balance is elected.
5. Ensuring that other than the minority (ethnic/religious) quotas already present in Jordan's electoral system, there are no other provisions that might limit MPs on the basis of their religion or ethnicity.¹⁵

¹³The Hashemite Kingdom of Jordan, Parliamentary Elections Law [In Arabic] No. 25, 2012. Official Gazette 5165, July 1, 2012.

¹⁴ Al Hayat Center for Civil Society Development (March 2013). *Final Monitoring Report for the 2013 Parliamentary Elections*, accessed February 1 2015, <http://www.hayatcenter.org/publications/final-report-on-monitoring-jordans-2013-parliamentary-elections/>, p. 48-51; and Democracy Reporting International (DRI) (2013). *The Hashemite Kingdom of Jordan: Assessment of the Electoral Framework*, accessed February 2, 2015, http://www.democracy-reporting.org/files/dri_jo_assessment_of_electoral_framework_v1_2013-04-04_1.pdf.

¹⁵ Al Hayat Center for Civil Society Development, p. 48-51.

The report also outlined a number of ways that government and civil society could work to increase the overall efficacy of the electoral process. These included:

1. Raising awareness among civil society and citizens about elections, the importance of participation, and the role played by the parliament.
2. Helping political parties and organizations to play a practical role in election by creating an environment where they can grow and develop.
3. Working to make elections more focused on specific electoral programs and ideas about improving the parliament instead of being about personalities, tribal loyalties, or political or financial favors.¹⁶

Implementation of Commitment

During the monitoring period covered by this report, which is also the timeline set for implementation within the plan, there are no indications that the government took steps to implement this commitment. No new draft election law was released, and none was discussed in parliament or scheduled on the parliamentary agenda. Thus the commitment is considered as not having started, and it has to be said that the language of the commitment is very vague. It does not outline practical measures but merely goals and ambitions. Phrases such as “qualitative leap” and “stimulates partisan action in letter and spirit” do not provide measurable milestones and are multi-interpretable.

In addition to the below outlined best practices and recommendations, the research team believes that the government should carry out wide public consultation to engage citizens in the process of amending and formulating laws. The electoral system that will result from this participation will assist in the law’s legitimacy and increase citizens’ confidence in the outcomes of the electoral system prescribed therein, resulting in an increase of voter participation in elections. The research team also believes that enacting the election law should be done prior to enacting the Political Parties Law, since the provisions in the former govern political parties and should be consistent with the electoral system. The research team believes that the election law can either encourage or discourage the strength of political parties in Jordan.

Best Practices and Recommendations

The Universal Declaration on Human Rights enshrines citizens’ right to elect their representatives through “periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”¹⁷ In order to help citizens realize this right, electoral systems should be designed to produce legislatures that accurately represent voters and are also capable of effectively governing. There are a great number of electoral schemes with

¹⁶ Ibid.

¹⁷ United Nations (1948). *The Universal Declaration of Human Rights*, accessed February 2, 2015, <http://www.un.org/en/documents/udhr/>, Article 21, Section 3.

their own unique challenges and opportunities for citizen representation and government effectiveness, and the choice of one system can have significant effects on the overall quality of the democratic system.¹⁸

SNTV voting systems like the one found in some Jordanian districts have been the focus of many studies and debates in recent years. It is recognized that SNTV systems have some advantages because they can enable representation of minorities, force parties to become more organized internally, and is easy for voters to understand. However, SNTV systems typically disadvantage small parties or voting groups, encourage the fragmentation of parties, encourage clientelistic relationships between candidates and constituents, makes it difficult for parties to develop, discourages broad coalitions among different groups, and leads to wasting of votes.¹⁹

This fits in with Al Hayat Center's experience with monitoring the 2007, 2010, and 2013 parliamentary elections in Jordan, which showed that the SNTV system facilitated situations of vote-buying and also led to disparities in the fairness of voting across different districts of different sizes. Al Hayat also found that the SNTV system severely curtailed the freedom of voters in multi-member districts, leading many voters to make their choices based on social or familial considerations instead of on political or ideological grounds. It is important to note that SNTV systems like the one found in Jordan are not in favor throughout the world, in fact, it is used only in Vanuatu, Afghanistan, Libya, and Kuwait.²⁰

Proportional representation systems are often preferred for electoral systems because they lead to a distribution of seats more proportional to the votes cast than many other methods, and leads to fewer wasted votes. In addition, it encourages the formation and strengthening of parties or other informal voting blocs, while also increasing representation for minorities and other marginalized groups. In general, proportional representation systems encourage parties to seek out a wide electorate, discouraging clientelistic practices or regional favoritism. Disadvantages include greater volatility in the makeup of the parliament and government, potential for the rise of extremist parties, and potential for coalition governments mired in legislative gridlock. Despite these challenges, proportional representation systems are generally recognized as amongst the fairest and most representative electoral systems currently in use.²¹ Therefore, calls by a number of groups to strengthen Jordan's list proportional representation system are in line with international best practices.²²

¹⁸ Ace Electoral Knowledge Network. *Electoral Systems*. Accessed February 3, 2015, <http://aceproject.org/ace-en/topics/es/onePage>.

¹⁹ International IDEA (2006). *Elections Handbook*, accessed February 3, 2015, <http://www.idea.int/publications/esd/index.cfm>, p. 117-118.

²⁰ DRI, p. 2.

²¹ International IDEA, p. 57-59.

²² Al Dustour (February 25, 2013). *MPs and Politicians Call for Amendments to the Election Law Amidst Differences Over Parliamentary Government* [In Arabic], accessed February 4, 2015,

There are a number of excellent resources that provide guidance in the specific design of electoral systems. Among the most comprehensive and widely used is International IDEA's *Electoral System Design: the New International IDEA Handbook*.²³ The ACE Electoral Knowledge Network also has a great deal of information on different types of electoral systems²⁴ and the Venice Commission of the Organization for Security and Co-operation in Europe (OSCE) has created a reference document with information on best practices and guidelines for elections.²⁵ It is recommended the Government of Jordan reference these sources to evaluate possibilities and advantages listed therein and their applicability to Jordan in future legislative amendment procedures.

<http://goo.gl/wOXzgA>; and Al Quds Center (April 19, 2014). *27 Jordanian Parties Request a New Initiative to Reform the Parties Law* [In Arabic], accessed February 4, 2014, <http://www.alqudscenter.org/home/arabic/news-article/1836#.VSvEctyUeYZ>.

²³ International IDEA.

²⁴ Ace Electoral Knowledge Network. *Encyclopaedia*. Accessed February 3, 2015, <http://aceproject.org/ace-en>.

²⁵ European Commission for Democracy Through Law, Venice Commission (July 2013). *Electoral Law*, accessed February 2, 2015, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-EL\(2013\)006-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-EL(2013)006-e).

Commitment 18.3; Parliament Seats

Commitment Title:	Reducing the number of seats in parliament	Number:	NIS 18.3
Implementing Actor: <i>(as in NIS)</i>	Parliament, Prime Ministry, Ministry of Political and Parliamentary Affairs, Legislation and Opinion Bureau	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Fourth Quarter 2014
Full text: <i>(as in NIS)</i>	Reducing the number of seats at the Lower House to a range of 60-120 seats, after carrying out a study to set the proper number within this range.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness <input type="checkbox"/> Transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

When Jordan's first election law was promulgated following independence in 1946, the National Assembly (Parliament) consisted of 20 members in a directly elected lower house (House of Representatives) and 10 in the upper house (Senate). Following the union of the West Bank and Jordan, the parliament's size was increased in 1950 as a response to the increase in population. The parliament was doubled to 20 members in the Senate and 40 members in the House of Representatives. A new elections law in 1960 further increased the size of the parliament to 60 members in the House and 30 members in the Senate. From 1974 until 1989, parliament was suspended, except for an extraordinary term called in 1974.¹ A new election law was formed in 1986 and amended in 1989 when elections were once again held, limiting the scope of elections to Jordan now having disengaged the West Bank and adjusting the size of the Parliament to 80 members in the House of Representatives house and 40 in the Senate.²

A new election law in 2001 adjusted the number of members in the House of Representatives to 110, with 6 seats allocated as a women's quota for the first time in Jordan. When the King dissolved parliament in 2010, some analysts predicted

¹ The Hashemite Kingdom of Jordan, Jordanian House of Representatives. *History of Parliamentary Life in Jordan*. Accessed March 15, 2015, http://www.representatives.jo/english/history_parliamentary_life.shtm.

² The Hashemite Kingdom of Jordan, His Majesty King Hussein. *The Elections of 1989*. Accessed March 15, 2015, http://www.kinghussein.gov.jo/his_periods10.html.

that the new election law would reduce the number of seats in the parliament,³ but this did not occur. A new law in 2010 redistricted the country, assigned new seats to areas of Amman, Irbid, and Zarqa, and adding 12 seats reserved for women, effectively raising the number of seats in the House to 120.⁴ In May 2011, the National Dialogue Committee recommended raising the number of seats in the Parliament to 130 by way of adding more seats to Irbid and Zarqa while removing virtual districts.⁵ The 2012 Election Law increased the number of seats elected in single member districts to 123, while initially adding 17 seats elected through a proportional representation system.⁶ After a significant protest by members of civil society and parties,⁷ the law was quickly amended to add an additional 10 proportional representation seats raising the total membership of the House of Representatives to 150.⁸

The following table shows the changes in seats and approximate population in Jordan since 1950:⁹

Year	Approx. Population	Seats in Parliament	Approx. Persons Per Seat
1950	586,200	40	14655
1986	2,805,000	80	35063
2001	4,978,000	110	45255
2010	6,113,000	120	50942
2012	6,318,000	150	42120

³ Carnegie Endowment for International Peace - Sada (January 13, 2010). *Implications of the Jordanian Parliament's Dissolution*, accessed March 15, 2015 <http://carnegieendowment.org/2010/01/13/implications-of-jordanian-parliament-s-dissolution/fbjr>.

⁴ Konrad Adenauer Stiftung (October 2010). *Jordan's 2010 Election Law: Democratization or Stagnation?*, accessed March 15, http://www.kas.de/wf/doc/kas_20947-1522-2-30.pdf?101108101415.

⁵ FactJo News (May 24, 2011). *Raise the parliamentary seats to 130 and increase the seats in the capital, Zarqa, Irbid, and remove the virtual districts* [In Arabic], accessed March 15, <http://goo.gl/CAqRuL>.

⁶ The Hashemite Kingdom of Jordan, Parliamentary Elections Law [In Arabic] No. 25, 2012. Official Gazette 5165, July 1, 2012.

⁷ Taylor Luck, The Jordan Times (July 11, 2012). *Election Law Amendments 'death blow' to Jordan's reform drive*, accessed March 15, 2015, <http://jordantimes.com/elections-law-amendments-death-blow-to-jordans-reform-drive>.

⁸ The Hashemite Kingdom of Jordan, Parliamentary Elections Law; and The Jordan Times (July 23, 2012), *King Approves Amended Elections Law*, accessed March 15, <http://jordantimes.com/king-approves-amended-elections-law>.

⁹ The Hashemite Kingdom of Jordan, Ministry of Statistics (2011). Ministry of Statistics (2011). *Statistical Yearbook of Jordan*, accessed March 15, 2015, http://www.dos.gov.jo/dos_home_a/main/cd_yb2011/pdf/Population.pdf, p. 6. and: World Bank Development Indicators Database. *Population total*, accessed March 15, 2015, <http://data.worldbank.org/indicator/SP.POP.TOTL>.

Chart: Al Hayat Center 2015

Implementation of Commitment

On September 20, 2014, a government spokesperson reported that the government was planning to work on reducing the number of seats in the parliament after finishing its work with decentralization and the municipalities' law. The plan was to reduce the number of seats in the House to 80-100 seats and the seats in the Senate to 40-50. Reasons given were that 150 MPs was a large number, and that this was leading to a decline in parliamentary performance, a weak ability to discuss laws and to attract investment. According to the government spokesperson, the additional representation opened up to citizens through decentralization would be provided as an "alternative" to representation in the House. Apparently, this reform would help the parliament focus more on legislation than on services for MPs through elected and unelected governorate councils. The spokesperson stressed that there are ways to improve the performance of parliaments other than by increasing their numbers.¹⁰ Despite these remarks, there have been no actions to decrease the number of seats during 2014 thus the commitment has not been started.

Consultations with media and civil society professionals did not point to decreasing the size of the parliament being a major priority. Most stakeholders expressed general satisfaction with the size of the parliament, while stressing that steps still need to be taken to enhance its work. None of the stakeholders had been previously aware of this commitment's inclusion in the NIS plan.¹¹ The opinion of several MPs and journalists who follow the work of the parliament was also sought, who had mixed opinions about the size of parliament, with some calling for drastic reductions in size. Those calling for a reduction of seats expressed their belief that a smaller parliament would have lower operating costs and be more efficient,¹² some calling for smaller reductions,¹³ and some expressing belief that the current size is appropriate but may need to grow in the future.¹⁴

Some MPs and journalists believed that because the expected Decentralization and Municipalities Laws will increase citizen representation at the local and governorate levels, citizen representation could therefore be reduced at the national level.¹⁵ MPs and journalists calling for the size of the parliament to remain the same pointed to

¹⁰ Al Sabeel News (September 20, 2014). *Government to reduce the number of MPs in new electoral law* [In Arabic], accessed March 15, 2015, <http://goo.gl/Aroo6m>.

¹¹ Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015.

¹² Ahmad Safadi, Member of Parliament. Personal interview, April 9, 2015; and Majd al 'Amir, Journalist. Personal interview, April 9, 2015.

¹³ Hayel Wada'an al Da'eja, Member of Parliament. Personal interview, April 9, 2015.

¹⁴ Moataz Abu Rumman, Member of Parliament. Personal interview, April 9, 2015.

¹⁵ Ahmad Safadi. Mohammed al Zayoud, Member of Parliament. Personal interview, April 9, 2015. Amir Muharima, Journalist. Personal interview, April 9, 2015.

the fact that Jordan has a growing population and a need for more, not less representation at the national level, and that a larger parliament gives more opportunities for the representation of lists, parties, and minority voting groups.¹⁶ MPs pointed out the need to agree on changes to the parliament in an open, transparent, and participatory fashion.

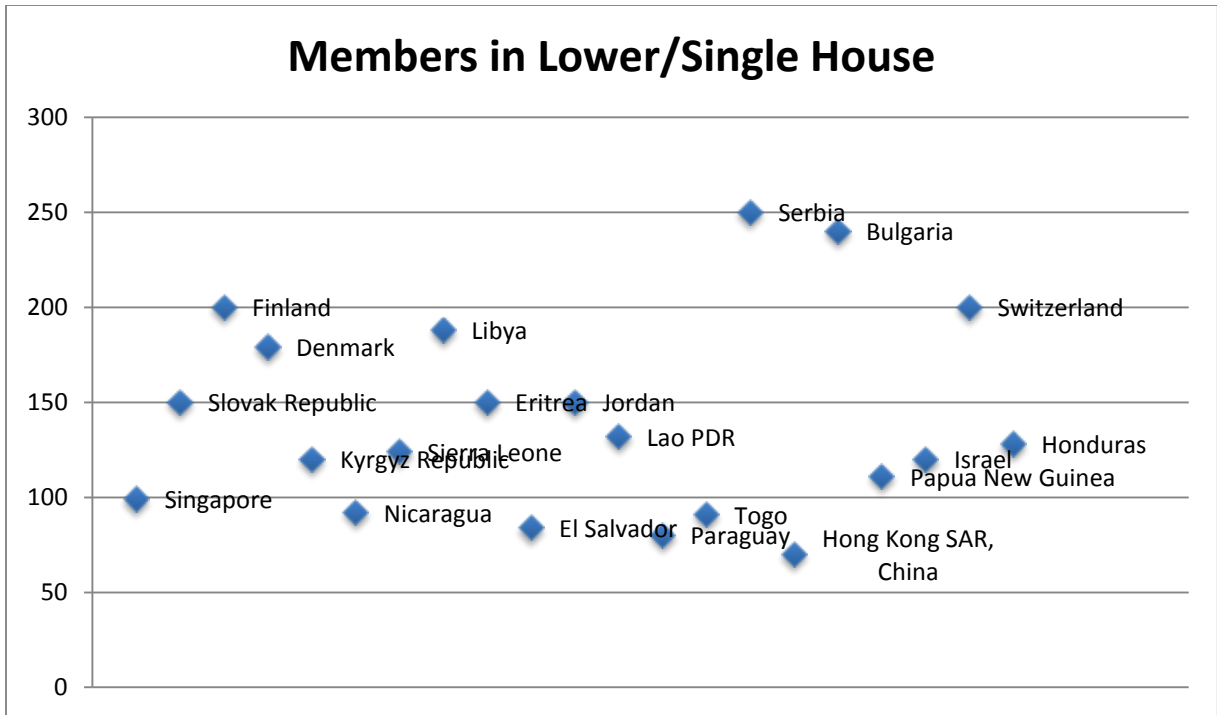
Best Practices and Recommendations

It is important to note that in comparison to other countries of similar population size, Jordan's legislature is not an unusual size. Among the 20 countries closest to Jordan in population size (10 smaller and 10 larger), there is a great range of legislatures ranging from 70 to 250 MPs, as shown in the chart below. It is worth noting that eight of the countries in this population range have legislatures of 150 members or more. Of these eight, 6 countries rank higher Jordan in the World Bank's index of "Voice and Accountability" and five rank higher than Jordan on the World Bank's indicators of "Government Effectiveness."¹⁷ This should *not* be taken to imply that a legislature in this size range *causes* countries to have high levels of voice, accountability, and government effectiveness, but it is an indicator that legislatures of this size are certainly not *barriers* to countries achieving high performance in these areas.¹⁸

¹⁶ Moataz Abu Rumman.

¹⁷ Estimates of size of lower house: The International Parliamentary Union. *Women in National Parliaments*, Accessed March 15, 2015, <http://www.ipu.org/wmn-e/classif.htm>. Population estimates: World Bank. *Population*, accessed March 15, 2015, <http://data.worldbank.org/data-catalog/Population-ranking-table>. Information on Hong Kong from: Government of Hong Kong, *Government Structure*, accessed March 15, 2015, <http://www.gov.hk/en/about/govdirectory/govstructure.htm>

¹⁸ World Bank. *World Bank Governance Indicators*. Accessed March 15, 2015, <http://info.worldbank.org/governance/wgi/index.aspx#home>.



Country	Population 2013	Members in Lower/Single House
Singapore	5,399	99
Slovak Republic	5,414	150
Finland	5,439	200
Denmark	5,614	179
Kyrgyz Republic	5,720	120
Nicaragua	6,080	92
Sierra Leone	6,092	124
Libya	6,202	188
Eritrea	6,333	150
El Salvador	6,340	84
Jordan	6,459	150
Lao PDR	6,770	132
Paraguay	6,802	80
Togo	6,817	91
Serbia	7,164	250
Hong Kong SAR, China	7,188	70
Bulgaria	7,265	240
Papua New Guinea	7,321	111
Israel	8,059	120

Switzerland	8,081	200
Honduras	8,098	128

Chart and table: Al Hayat Center, 2015

There is no consensus amongst experts about what the optimal size of a legislature is for any given country, given that the effectiveness of a legislature can be influenced by a number of factors.¹⁹ The experience of other countries and extensive academic research on the subject, makes clear that reducing the number of MPs in a parliament can be expected to have a number of effects on representation in a country.

First, and most obviously, reducing the number of MPs reduces accuracy of representation of citizens. A smaller number of seats means that representation will be less proportional and will hurt small parties and other small voting groups. The most obvious example is as follows; in a parliament with 200 seats, a list or group would need 0.5% of the total votes to get one seat. In a parliament with 50 seats, a list would need 2% of the seats to get one vote. Therefore, it can be assumed that reducing the number of seats will skew the representation to favor those with voting preferences that line up with the majority. It is worth noting that smaller countries, such as Jordan, typically tend to have larger legislatures relative to their populations than larger countries, possibly because of this fact that larger assemblies are naturally more representative.²⁰

An example of this kind of reduction was seen in the Australian state of Tasmania, which, while a sub-national legislature nonetheless provides an illustrative example. Here the dominant parties in the parliament lobbied throughout the 1980s and 1990s to reduce the number of seats in parliament. After successful passing of the Parliamentary Reform Act of 1998 the size of the parliament was reduced from 35 to 25 members, thereby reducing each of the five electoral districts' seats from seven to five members. The reduction in seats made it more difficult for the minority party to gain seats by raising the threshold for votes needed to gain a seat from 12.5% to 16.7%, resulting in a loss of seats of the parties in the election immediately following. Moreover, mathematical analysis showed that the resulting parliamentary composition was less representative than before.²¹

The second effect of reducing the size of the parliament would be that each MP would be responsible for more citizens. This will make it harder for MPs to respond to the needs of citizens and communicate with them, and simultaneously make it

¹⁹ Ace Electoral Knowledge Network. *The Electoral Advice Archive*, accessed March 15, 2015, <http://aceproject.org/electoral-advice/archive/questions/replies/760379812>.

²⁰ Valentino Larcinese (April 20, 2010). *Is the UK Parliament too large?*, accessed March 15, 2015, [http://eprints.lse.ac.uk/41359/1/blogs.lse.ac.uk-Is the UK Parliament too Large.pdf](http://eprints.lse.ac.uk/41359/1/blogs.lse.ac.uk-Is%20the%20UK%20Parliament%20too%20Large.pdf).

²¹ Norm Kelley (2012). *Directions in Australian Electoral Reform, Professionalism and Partisanship, The Size of Parliament*, accessed March 15, 2015, <http://press.anu.edu.au/wp-content/uploads/2012/05/ch10.pdf>.

harder for citizens to access their MPs.²² Especially in Jordan where MPs are expected to take part in community functions like celebrations and funerals, having each MP responsible for a larger constituency will increase MPs' workloads outside the parliament and give them less time to focus on legislation.

Finally, having fewer MPs will give each MP a heavier workload in the parliamentary committees, by nature of having the same number of committees and fewer MPs. It has been recommended that committees in the parliament should be strengthened in order to strengthen the overall legislative work of the parliament; reducing the number of MPs would greatly hamper this.

It is important to remember that the size of the legislature is only one of many factors affecting quality of representation of citizens. Other factors of the electoral system, such as the method of elections and the size and composition of districts, can also have important effects on the accuracy of representation.²³ The quality of representation and law-making in the parliament is also influenced by capacities and knowledge of MPs, support services offered to MPs by the parliament, the actions and behaviors of parliamentary leadership, and the role of civil society organizations supporting the legislative process, amongst others.

If Jordan is looking to improve the quality of the parliament and its work, it need not necessarily focus on changing the size of the parliament, but can instead focus on improving some of the areas described above. Many countries, including Jordan,²⁴ have undertaken programs with international support to strengthen their parliaments by training MPs, engaging in partnerships, and developing secretariat capacities. In fact, other commitments of the NIS—18.6 and 18.7— address these same needs. Focusing on building the capacity of the parliament as it is could be a positive way to improve the work of the parliament without suffering the negative effects outlined above.

Efforts to strengthen Jordan's Parliament should also take into account that a parliament with meaningful powers and a significant role to play in the country's governance will naturally encourage many actors both inside and outside of parliament to support the institution's growth and development. Strengthening the powers of parliament and giving it a clearer role in forming and overseeing the government would put more attention and focus on the parliament's work, leading to an increase in efforts to improve its functioning.

²² International IDEA (2005). *Electoral System Design: The New International IDEA Handbook*, accessed March 15, 2015, <http://www.citizensassembly.gov.on.ca/en-CA/docs/Intermediate/IDEA%20Handbook.pdf>, p. 82.

²³ International IDEA (2005). *Electoral Design: The New International IDEA Handbook*, accessed March 15, 2015, http://www.idea.int/publications/esd/upload/Idea_ESD_full.pdf, p. 77-84.

²⁴ Center for International Development, University of Albany. *SUNY Legislative Strengthening Program*. Accessed March 15, 2015, http://www.cid.suny.edu/our_work/legislative_strengthening/our_work_projects/Legislative_strengthening23.cfm.

If Jordan *were* to decide to change the size of its parliament, the experience of the Australian Capital Territory (ACT) can provide a positive example on how a government can change the size of its legislature while maintaining a focus on representation, transparency, openness, participation, and accountability throughout.

Responding to calls by citizens and lawmakers to change the size of the legislature, on 13 December 2012 the Chief Minister of the ACT appointed an Expert Reference Group (ERG) to oversee a study on the reform process, with the terms of reference made public online. The ERG undertook an extensive study reviewing the role of the parliament, different effects of its size on its work, financial implications, alternatives to resizing, and comparisons to other legislatures, published in a detailed report released to the public on April 16, 2013.²⁵ The ERG released a discussion paper to the public that made the issues accessible and understandable to citizens, while explaining practical options to them and soliciting public feedback. The ERG accepted written submissions from the public containing their concerns and priorities for the legislative resizing, and it published those submissions on its website. The ERG also posted a number of resources, including reports, submissions for previous inquiries, and academic papers on its website in order to help the public evaluate the issues.²⁶ The territory also undertook a review and sought consultation from stakeholders.²⁷ When the ACT assembly passed a bill to expand its size and redraw electoral districts it opened the redistricting process up to public comments and participation.²⁸ Altogether, this case provides a model of how parliament resizing can take place in a manner that is both efficient and enables full participation of citizens.

In 2002, Germany decreased the number of seats in its lower House, the Bundestag, from 672 to 598 regularly elected seats.²⁹ It is important to note, however, the large size of the house before this reduction, as well as the fact that the number of seats in the Bundestag can vary depending on the specifics of the election cycle. A number of other European countries, including the UK, Italy, and Sweden, have considered reducing their parliament sizes at various points.

²⁵ Expert Reference Group for Electoral Reform (2013). *Review Into The Size Of The Act Legislative Assembly*, accessed March 15, 2015, <http://goo.gl/HlgA4J>.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Parliament of Australia FlagPost (August 7, 2014). *ACT Assembly to increase in size*, accessed March 15, 2015, <http://goo.gl/t23ZlD>.

²⁹ Ace Electoral Knowledge Network. *Germany: Delimiting Districts in a Mixed Member Proportional Election System*. Accessed March 15, 2015 https://aceproject.org/ace-en/topics/bd/bdy/bdy_de/mobile_browsing.

Commitments 18.4, 18.5; Election Monitoring and Procedures

Commitment Title:	Revisiting the Independent Election Commission Law and evaluating its experience in administering elections	Number:	18.4
Implementing Actor: <i>(as in NIS)</i>	Independent Election Commission / Legislation and Opinion Bureau	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Second Quarter 2014
Full text: <i>(as in NIS)</i>	Revisiting the Independent Election Commission Law and evaluating its experience in light of its administration of the election process, so that it will be formed of top-category judges and enjoys functional and administrative independence.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Revisiting election procedures	Number:	18.5
Implementing Actor: <i>(as in NIS)</i>	Independent Election Commission / Legislation and Opinion Bureau	Timeline: <i>(as in NIS)</i>	First Quarter 2014 – Second Quarter 2014
Full text: <i>(as in NIS)</i>	Revisiting election procedures to render them convenient and simple.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The Jordanian Constitution stipulates that elections for the House of Representatives should be carried out in accordance with the Elections Law (discussed in depth in Section 18.2), which states that elections should take place

every four years, even though the Constitution gives the King the prerogative to extend this term for a period of no less than one year and no more than two. This Article was amended in October 2011 to stipulate that elections should be managed by the newly created Independent Election Commission.¹

The Independent Election Commission (IEC) was officially created when the Independent Election Commission Law was passed in April 2012.² The law defines the IEC's structure as well as its responsibilities and states that the commission is meant to be "administratively and financially independent" (Article 3). The IEC is governed by three sets of governing regulations, including the IEC Financial System Regulations No. 39 (2012), IEC Supplies Regulation No. 41 (2012), and the IEC Employees and Workers Regulation No. 40 (2012).³ The Commission is run by a board of commissioners, consisting of a chairman and four members. The members are approved by His Majesty King Abdullah II but are suggested by a committee headed by the Prime Minister, and composed of the Speakers of both Houses and the Chairman of the Judicial Council (Article 6), a provision that limits the independence of the IEC.⁴

Articles 26 and 28 of the law state that the Cabinet can make regulations governing the financial and administrative affairs of the IEC, and that the Prime Minister and Ministers are charged with implementation of the IEC law. These are two provisions that further limit the independence of the IEC and it is unclear how these provisions are compatible with the principle of independence for the IEC that is laid out in the same law.

The Board of Commissioners is responsible for a number of tasks, including drafting policies, setting election timelines, overseeing voter registration and publication of voters' and candidates' lists, establishing rules and procedures for campaigns, mobilizing voters, creating necessary committees, taking care of fine details of election management, approve election monitors and those wishing to be present at polling places, announcing final results, reporting on the electoral process, and proposing other draft legislation to assist in its work.⁵ Importantly, the law stipulates that the Board can issue executive regulations for elections.⁶

¹ The Hashemite Kingdom of Jordan, 2011 Jordanian Constitution, Article 67.

² The Hashemite Kingdom of Jordan, Independent Election Commission Law [in Arabic], No. 11, 2012. Official Gazette 5152, April 9, 2012.

³ The Hashemite Kingdom of Jordan, Independent Election Commission (IEC). *Legislation/Regulations*. Accessed February 13, 2015, <http://www.entikhabat.jo/public/DefaultDetails.aspx?id=151&type=menudetails>.

⁴ Democracy Reporting International (DRI) and Identity Center (2013). *Assessment of the Electoral Framework*, accessed February 13, 2015, http://www.democracy-reporting.org/files/dri_jo_assessment_of_electoral_framework_v1_2013-04-04_1.pdf, p. 31.

⁵ The Hashemite Kingdom of Jordan, Independent Election Commission Law, Article 12.

⁶ *Ibid*, Article 27.

Election regulations in Jordan exist in the Election Law (described more in Section 18.2) and by the executive regulations issued by the IEC in accordance with Article 4 of the IEC Law.⁷ The Election Law specifies:

- Voting eligibility and age
- Voter list preparation and publishing (leaving some specifics to the Executive Regulations of the IEC)
- Electoral district divisions
- Procedures for submitting candidacies and lists, and guidelines for the IEC board in this regard
- Rules for electoral campaigns, advertising, speeches, and rallies
- Local election commissions and their duties; guidelines for creating polling stations and ballot boxes
- Procedures for running polling stations
- Counting and reporting votes
- Punishments for violating regulations⁸

Under the broad rules framework laid out by the Elections Law, and pursuant to the powers designated to them therein, the IEC has issued 13 executive orders;⁹

- Election registration and lists
- Accreditation of local observers
- Accreditation of international observers
- Amendment to Executive Instructions
- Challenges to preliminary voter list
- Formation of committees
- Code of Conduct and Disclosure
- Standing for elections in local constituency
- Lists in the General Electoral District
- Polling and counting
- Election Campaign rules
- Accreditation of agents of candidates
- Accreditation of Journalists and Media

In a series of consultative sessions with civil society organizations and active citizens held after the 2013 Parliamentary Elections, Al-Hayat Center for Civil Society Development found that there was consensus among groups that had followed the election, that the elections had benefited from the IEC's oversight.¹⁰

⁷ Ibid, Article 4.

⁸ The Hashemite Kingdom of Jordan, Parliamentary Elections Law [In Arabic] No. 25, 2012. Official Gazette 5165, July 1, 2012.

⁹ The Hashemite Kingdom of Jordan, IEC. *Legislation/ Instructions/ Executive Instructions*. Accessed January 29, 2015, <http://www.entikhabat.jo/public/DefaultDetails.aspx?id=152&type=menudetails>.

¹⁰ Al Hayat Center for Civil Society Development (2013). Meeting summaries *First Roundtable discussion on Measuring the Performance of the IEC* (Amman, April 2, 2013); *Second Roundtable*

However, the elections still witnessed some issues with the IEC that could use improvement in the future. These included;

- Screeners for polling stations under IEC responsibility did not appear to be well trained
- The process of appointing staff to run the elections was not transparent
- The IEC seemed unable to monitor the uses of political money and vote buying
- The IEC seemed unable to enforce its own regulations

Civil Society actors participating in these consultations concluded that these issues should be dealt with before the next election in order to ensure maximum transparency and accountability.

In the RASED for Electoral Monitoring program final report, Al Hayat Center made a number of additional recommendations based on its observations and consultations with stakeholders in order to enhance the work of the IEC and bring it into line with international standards for electoral management bodies. These included:¹¹

1. Having the IEC release information on its administration, staff, and finances to the public in order to promote transparency. The IEC should release information on its hiring procedures and equal opportunity considerations for employees.
2. Having the IEC release more information on elections to promote openness and transparency and to help inform citizens stay informed about the electoral process. For example, the IEC should release voter lists, preliminary / final results of ballot counts, electronic copies of voter logs, and copies of candidates' and party list leaders' financial statements according to a declared timeline in an easily accessible way.
3. Giving the IEC independence to carry out its constitutionally-mandated functions. This would involve amending the IEC law to give the Commission financial independence from the direct supervision of the Prime Minister, who is currently responsible for approving the IEC's budget. The law should also be amended to give the Commission administrative independence from the Council of Ministers, which right now is tasked with approving the Commission's regulations and rules.
4. Publishing periodic reports about complaints received by the IEC through its hotline or other mechanisms and the steps taken to address them.
5. Taking steps to build the IEC's administrative and functional capacities, especially in technical areas such as preparing voter lists, to reduce the Commission's dependence on Ministry of Interior staff.

discussion on Measuring the Performance of the IEC (Amman, April 21, 2013); *Discussion of RASED's report on the 2013 Elections* (Aqaba, May 9, 2013).

¹¹ Al Hayat Center for Civil Society Development (April 2013). *Final Report 2013 Jordanian Parliamentary Elections*. Accessed February 1, 2015, <http://www.hayatcenter.org/publications/final-report-on-monitoring-jordans-2013-parliamentary-elections/>.

6. Strengthening the executive power of the Chair of the IEC to enforce the regulations and procedures of the Commission during the electoral process. During the 2013 elections, for, a number of election staff refused to provide independent election monitors with electronic spreadsheets of the final polling results, despite the Chair having ordered them in advance to do so. This indicates an overall lack of responsiveness to the Chair, which is damaging to the IEC's ability to enforce its own regulations.
7. Creating tools and procedures within the IEC to ensure that all staff remain accountable for their work.

The IEC's role in other local elections such as the Municipal Elections has been an important issue and political debate in 2013. The original Constitutional amendment in 2011 by which the IEC was established, stipulated that it was responsible for managing and supervising parliamentary elections, as well as any other elections assigned to it by the Cabinet.¹² During the 2013 Municipal Elections, both the IEC and the Cabinet reiterated that the IEC would observe but not administer the elections, which instead were to be administered by the Ministry for Municipal Affairs.¹³ During this time and after the election, Al Hayat Center advocated for the IEC to be designated as the responsible body for implementing elections, in order to support the freedom and fairness of local elections and to build the capacity and credibility of the IEC.¹⁴

Implementation of Commitment

Despite calls for the IEC to manage all local elections, the new draft Municipalities Law released in 2014 did not give the IEC responsibility therefore.¹⁵ However, in August 2014, the Parliament passed a Constitutional amendment to Article 67 stipulating that the IEC would be responsible for all public elections in the country, meaning national parliamentary elections and local municipal elections. The amendment also stipulates that the Cabinet can assign the IEC to monitor elections of other bodies, such as elections for unions or school boards, if those bodies request supervision from the Council.¹⁶ This amendment was welcomed by many Jordanian CSOs as a positive change, while many have still called for increased

¹² The Hashemite Kingdom of Jordan, 2011 Jordanian Constitution, Article 67.

¹³ Al Wa2l News (August 28, 2013). *Results of the 2013 Elections by Governorate* [in Arabic]. Accessed January 29, 2015, <http://elections.alwa2l.com/200.html>. and: IEC. *IEC for the first time supervises local council elections being implemented by the Ministry of Municipal Affairs* [in Arabic]. Accessed January 29, 2015, <http://www.entikhabat.jo/Public/baladiat/IECTasks.aspx>.

¹⁴ Al Ghad (April 8, 2013). *The Commission Receives RASED's Report on the Parliamentary Elections*" [in Arabic]. Accessed January 29, 2015, <http://goo.gl/ioQqaF>.

¹⁵ Al Hayat Center for Civil Society Development (August 2014). *Analyzing the Expected Democratic Impact of the Governing Legal Framework for Local Administration in Jordan-2014*. Accessed February 1, 2015, <http://www.hayatcenter.org/publications/analyzing-the-expected-democratic-impact-of-the-governing-legal-framework-for-local-administration-in-jordan-2014/>.

¹⁶ Jordan Eye (August 24, 2014)]. *House of Representatives Passes Amendments to the Constitution Regarding the IEC* [In Arabic]. Accessed February 1, 2015, <http://jordan-eye.com/index.php/locals/34542-2014-08-24-14-50-20>.

capacity and increased integrity of the IEC.¹⁷ The new draft Municipalities Law is expected to be decided on in 2015, and it remains to be seen whether or not it will acknowledge the IEC's role supervising local elections.

The IEC's role under this commitment is a great deal larger than it was previously, therefore making it necessary for more resources to be devoted to building the capacity and strength of the commission. However, since ratification of the amendment, it does not appear that the requisite capacity building steps have been taking to prepare the commission for its new role. As an example, the position of Operational Manager within the IEC, an important position for conducting the day-to-day work of the commission, remains vacant until this day.

In an attempt to further consolidate the IEC role as independent and transparent, Jordan's IEC chief has "underlined the commission's commitment to institutionalize its partnerships with political parties, civil society organizations and the media."¹⁸

In October 2014, the Legislative and Opinion Bureau released a draft of an Amended IEC Law for public review.¹⁹ The draft law makes a number of changes to the law, including:

- Allowing the IEC to open permanent or temporary branch offices
- Putting in place a Secretary General for the Commission to be the executive officer
- Stipulating the vacancies on the Board of Commissioners should be filled within 2 months
- Stipulating that meetings of the Executive Board should take place in the presence of a majority of board members instead of just 4 members
- Stipulating fines and punishments for IEC members who do not disclose conflicts of interest

These revisions appear to be positive changes in terms of enhancing the role of the IEC and enabling it to conduct more robust election management. At the same time, it does not appear that the changes in the draft law affect the independence of the IEC or its composition, as it does not make mention of including high level judges in forming the committee.

The IEC is currently working on a project with the United Nations Development Program (UNDP) from 2012 – 2016 to build the capacity of the IEC and use lessons learned from its experience in the 2013 elections to continue improving the IEC and its related legislation. On the topic of reform of election regulations, the UNDP

¹⁷ The Jordan Times (August 28, 2014). *Senate endorses constitutional amendments*. Accessed February 1, 2015, <http://jordantimes.com/senate-endorses-constitutional-amendments>.

¹⁸ The Jordan Times (December 4, 2014). *Election body chief says IEC 'open to other experiences'*. Accessed February 1, 2015, <http://jordantimes.com/election-body-chief-says-iec-open-to-other-experiences>.

¹⁹ Al Mejhar News (October 22, 2014). *Draft of the Amended IEC Law [in Arabic]*. Accessed February 1, 2015, <http://www.almejharnews.com/index.php?page=article&id=84315>.

reports that: “The Government is engaged in a continuing program of electoral reform. The IEC is well placed to contribute to such reform efforts, and the project provides technical expertise and support in this regard. For example, the project facilitated an intensive series of discussions on the Commission’s experience in implementing electoral legislation in 2013. The outcome was a comprehensive set of technical recommendations to the Government to improve electoral processes.”²⁰

In April 2014, the IEC and the EC-UNDP mission’s Joint Electoral Assistance Task Force held a conference in Amman bringing together election management officials and experts from more than 70 countries to discuss best practices in electoral management.²¹ Although this project was not focused specifically on revising Jordan’s regulations, the IEC’s participation in this effort was an important step in raising awareness of best practices in Jordan and ensuring that future changes in regulations will be in line with successful experiences from around the world.

While the IEC is cooperating with international groups to grow in capacity, it is unclear what steps have been taken until now to actually change election regulations.

During October-November 2014, the IEC managed a by-election in Irbid’s 2nd District to fill the parliamentary seat left open by a deceased Member of Parliament. Al Hayat Center’s RASED program monitored this election and observed a number of irregularities in the polling process and infractions against the electoral regulations. These included:

- The internet failed in multiple polling stations, preventing monitors from cross-verifying voter information, therefore disrupting polling for short periods.
- Campaign teams put advertisements at the polling places in contravention of the regulations.
- Campaign teams stayed at some polling places during the day and attempted to influence voters
- Polling staff at many polling stations did not mark voters’ fingers with the required invisible marking ink, and some polling staff added water to the inkwells when they were almost out, rendering the ink useless.
- Polling staff prevented RASED monitors from entering some polling places.
- Some voters with voter registration cards did not find their names in the electronic system.
- Several polling places were missing their voter registration lists.

²⁰ United Nations Development Programme (UNDP). *Support for the electoral cycle in Jordan*. Accessed February 1, 2015, http://www.io.undp.org/content/jordan/en/home/operations/projects/democratic_governance/project_sample.html.

²¹ European Commission – United Nations Development Programme. *Partnership on Electoral Assistance*. Accessed February 1, 2015, http://ec-undp-electoralassistance.org/index.php?option=com_content&view=article&id=174&Itemid=181.

- A number of polling places were not prepared for voters with special needs.
- Some voters were given ballot papers without having their IDs checked. In one case, polling staff allowed a representative to complete the verification process for a group of voters, instead of having voters individually present their IDs.

Despite a number of complaints being lodged with the IEC, RASED did not reveal the IEC taking any steps to deal with this problem.²² As with the 2013 Parliamentary Elections, the results of this election showed that the IEC is still not yet able to fully enforce its regulations even among its own staff, and that it is not adequately appeared to deal with issues that might arise on election days.

During this election process, RASED also observed a major contradiction between the conduct of the elections and the election law. While Article 7 of the Election Law requires government employees wishing to run for office to resign 60 days before declaring candidacy in an election, the IEC announced the election without leaving a period of 6 days before the registration deadline; therefore, government employees were not able to run in the election. RASED released several statements denouncing this step against the political rights of government employees and asking for this issue to be referred to the High Council for Legal Opinions, with no response from the Commission however. A decision was made by the Irbid Court of Appeals to accept the nomination requests rejected by the legislature under Article 11 of the Election Law. The nominees, three government officials who wished to run, filed a grievance to the Court in case the legislature rejected their applications.²³

As a result of the above analysis, the research team considers the implementation level of the commitment to be limited at best.

Best Practices and Recommendations

In an attempt to ensure that voters get registered, thus an important part of ensuring universal suffrage, it can be important to communicate with voters and engage in outreach to them.²⁴ It can also be helpful to set targets for voter list completeness that election committees can aim for, i.e. 9/10 voters in any given area are in clouded on the draft of the list.²⁵ In cases like Jordan where election management bodies use voter registration cards, election commissions should be

²² Al Hayat Center for Civil Society Development (October 26, 2014). *Statement by RASED on the First Day of Candidate Registration for the By-Election in Irbid's 2nd District*. Accessed February 2, 2015, <http://www.hayatcenter.org/publications/the-first-day-of-candidate-registration-for-the-by-election-in-irbid%E2%80%99s-2nd-district/>.

²³ Khaberni (November 2, 2014). *Judiciary accepts nominations rejected by the Independent Election Commission* [In Arabic]. Accessed February 2, 2015, http://www.khaberni.com/mobile_more.php?newsid=135674&catid=69.

²⁴ Ace Electoral Knowledge Network. *Voter Registration*. Accessed February 2, 2015, <http://aceproject.org/ace-en/topics/vr/default>.

²⁵ Ibid.

prepared to deal with problems of lost, stolen and forgotten cards, as well as the danger of people manipulating others' votes by withholding their cards from them.²⁶

In order to strengthen the capacity of election management bodies, it is recommended to put procedures in place to for careful selection and vetting of staff to ensure they have qualifications for competency in election monitoring.²⁷ The current law for the Jordanian IEC only requires the chairman/commission to be "competent and experienced" (Article 9). This could be expanded to include further qualifications, such as education or experience in the election management field. In general, it has been noted that having more qualified leaders and staff on electoral management bodies can both increase the capacities of those bodies and also increase the overall credibility of the electoral process in the eyes of the public.²⁸ For more information about potential qualifications or methods of selecting and training staff, the ACE Electoral Knowledge Network has published extensive resources on electoral management available online.²⁹

It can also be beneficial for electoral management bodies to adopt strategies to increase the inclusion of women in electoral processes. Creating specific gender inclusion strategies and appointing specific gender focal points are two useful ways to begin this process. Election monitoring bodies should also work to include women in their ranks at all levels, from junior through senior positions. This implies other measures including trainings to make the workplace more female-friendly. These good practices are in line with the Jordanian National Agenda, 2007-2017, which seeks to empower women in elected councils and in official decision-making positions.³⁰ IFES, the International Federation for Electoral Systems, has published a handbook, "Gender Equality and Election Management Bodies: a Best Practices Guide", which discusses way in which governments can work to ensure that EMBs include women and work to foster women's political participation in the political system.³¹

Finally, as noted in RASED's press releases described above, the IEC could be strengthened by taking steps to make the commission more independent from the executive branch, in line with international standards.³² Giving the IEC more leeway would help to ensure that its work would be free from political interference or

²⁶ Ibid.

²⁷ Ace Electoral Knowledge Network. *Electoral Management*. Accessed online February 2, 2015, http://aceproject.org/ace-en/topics/em/topic_index.

²⁸ Global Commission on Electoral Democracy & Security (September 2012). *Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide*. Accessed February 2, 2015, http://www.ycsg.yale.edu/assets/downloads/deepening_democracy.pdf, p. 21-24; 45-46.

²⁹ Ace Electoral Knowledge Network.

³⁰ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II Ibn al-Hussein. *Initiatives: National Agenda 2007-2017*. Accessed February 4, 2015, http://kingabdullah.jo/index.php/en_US/initiatives/view/id/2.html.

³¹ International Federation for Electoral Systems (IFES) (2014). *Gender Equality and Election Management Bodies: A Best Practices Guide*. Accessed February 4, 2015, <http://goo.gl/kcliz8>.

³² Ace Electoral Knowledge Network.

conflicts of interest. At the same time, strengthening the role of the Commissioner of the IEC to implement the IEC's regulations and decisions internally could help to greatly strengthen the overall work of the IEC.

Commitment 18.6; General Secretariats in the Parliament

Commitment Title:	Building capacity of general secretariats in the Lower House and the Senate	Number:	18.6
Implementing Actor: <i>(as in NIS)</i>	Lower House, Senate	Timeli ne: <i>(as in NIS)</i>	First quarter 2014- second quarter 2014
Full text: <i>(as in NIS)</i>	Building and strengthening the institutional capacity of the secretariats general of both the Lower House and the Senate and providing each House with a technical legislative team.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The General Secretariat of the House of Representatives is the body responsible for conducting administrative, financial, and technical support to the House to enable it to carry out its functions. The Secretariat has operated since the House's creation in 1929, and currently consists of 11 departments led by a Secretary General and Assistant Secretary General. The Secretariat is responsible for organizing meetings and sittings, record-keeping and archiving, organizing cooperation with external bodies, and overseeing financial matters of the parliament.¹

The Senate's secretarial duties are fulfilled primarily by the Speaker and Deputy Speaker of the Senate, who are responsible along with their staff for managing sessions, collecting and sorting votes, keeping records of proceedings, and external representation of the Senate.²

Implementation of Commitment

In December 2014, Speaker of the House Eng. Atef al Tarawneh announced the beginning of a program to strengthen the institutional capacities of the Lower House in cooperation with the European Union and the Jordanian Government

¹ The Hashemite Kingdom of Jordan, House of Representatives. *The General Secretariat* [In Arabic]. Accessed March 30, 2015, <http://www.representatives.jo/>.

² The Hashemite Kingdom of Jordan, Senate. *The Current Senate Office* [In Arabic]. Accessed March 30, 2015, <http://www.senate.jo/content/11>.

represented by the Ministry of Parliamentary Affairs. The project, implemented utilizing the services of the Spanish Company Altair Asesores, is designed to continue through 2017. The project aims to build the capacity of the House of Representatives, including its members, general secretariat, and permanent committees. The project aims to focus on accountability, transparency, cooperation, strengthening the role women, and improving the relationship between the executive and legislative branches through a number of trainings and workshops, as well as a study of European Parliament.³

According to the Secretary General of the Lower House, most of the activities under this project have been dedicated to building MPs' capacities. Some activities have also targeted areas where the secretariat directly supports MPs, for example, a number of parliamentary staff traveled to the Spanish Parliament for knowledge exchange and capacity building in the areas of budget formation, working with civil society, and supporting committee work.⁴ A journalist who works on parliamentary affairs pointed to the program above as a good program for building MP capacities. However, he believes that in order for the program to have an impact on the parliament's institutional capacities - as is specified in the title of the project, the program should have a larger focus on the General Secretariat. Instead, the program as it is currently structured may have a negligible impact on the capabilities of parliamentary staff. The same journalist also believed that running the program under auspices of the Ministry of Political and Parliamentary Affairs represented a violation of the separation of powers between the executive and legislative branches.⁵

Other programs that the Lower House is working on include according to the Secretary General are a study tour to the EU for 9 MPs, and collaborative projects with a number of foreign organizations such as the Westminster Foundation for Democracy, Global Partners & Associates organization, and the EU. On the local level, the parliament has collaborated with Al Hayat Center through its RASED program for capacity building activities, especially in terms of media and social media skills for parliament staff. The Secretary General mentioned, however, that there is no funding from the government to fund capacity building for secretariats general, despite the fact that improving the skills and capacities of the secretariats general staff is a priority that will impact the parliamentary work.⁶

³ Al Dustour (December 3, 2014). *Al Tarawneh Launches a Project for Strengthening the Institutional Administrative Capacities of the House of Representatives* [In Arabic], accessed March 30, 2015, <http://goo.gl/vQr8N7>.

⁴ H.E. Hamad al Aziz, Secretary General of the House of Representatives. Personal interview, May 10, 2015.

⁵ Jihad al Mansi, journalist. Personal interview, May 10, 2015. *and*: Khaled Mahmoud, journalist. Personal interview, May 10, 2015.

⁶ H.E. Hamad al Aziz.

Research has not revealed specific efforts undertaken to build the capacities of the Upper House, and thus the commitment is judged as being implemented to a limited degree.

Best Practices and Recommendations

It is well recognized that parliaments need adequate support offices and staff to be able to complete their work and represent their constituents. These can include:

1. Expert staff to support MPs
2. A library/information service
3. Support for MPs including offices, secretarial and research support
4. Facilities for opposition parties [or groups]⁷

Due to the fact that parliaments are very low cost institutions with large influences on overall political development,⁸ changes made thereto result in benefits quickly outweighing costs.

Parliamentary services can be improved by recruiting qualified staff through merit-based hiring practices and giving them fair salaries, smart management and making efforts to reduce staff turnover and maintain longevity.⁹ It is important that staff work on an impartial basis and serve members of different groups the same. Finally, staff should balance the demands of the parliament while still “promot[ing] responsible governance that balances the unique needs of Parliament with general legal requirements, e.g. employment law, freedom of information, and occupational health and safety.”¹⁰

For further guidance on best practices, see The World Bank-McGill Program for Parliamentary Strengthening’s report, which contains an introduction to parliamentary research services and a number of guidelines for establishing sound research practices.¹¹

The National Democratic Institute (NDI) has also written an extensive report entitled *Development of Parliamentary Research Services in Central Europe and the Western Balkans*, which details its experiences building the capacity of parliamentary support staff in six Balkan countries. This report includes observations on parliamentary research services in 11 countries and outlines best

⁷ Inter-Parliamentary Unit (IPU) (2006). “An effective parliament (I) The national level.” *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, accessed March 30, 2015, http://www.ipu.org/PDF/publications/democracy_en.pdf.

⁸ Ibid.

⁹ Commonwealth Parliamentary Association (2005). *Administration and Financing of Parliament*, accessed March 30, 2015, <http://goo.gl/6MBIcV>, p. 10-11.

¹⁰ Ibid, p. 13.

¹¹ World Bank - McGill University. *Parliamentary Strengthening Learning Program, Unit 4 – Research Services For Parliamentary Committees*, accessed March 30, 2015, <http://www.parliamentarystrengthening.org/committeesmodule/pdf/UNIT%204.pdf>

practices. The following are among the report's best practice recommendations, which are particularly salient to the Jordanian case:

- Directing research support to parliamentary committees, where it can be more targeted and useful
- Recruiting highly trained staff with specialized expertise, especially for financial and economic issues
- Research services should follow the legislative agenda and prepare research in advance to contribute to the quality of debates¹²

In cases where resources are scarce, governments can implement:

1. Better training for MPs
2. Use of experts in civil society and academia
3. Internship programs (to take advantage of lower cost human resources)
4. Using online resources to provide information to MPs¹³

A number of parliaments around the world also offer peer-based support for MPs and parliamentary staff to learn from host countries' prior experiences and see the results of policies firsthand. One example is Australia, which runs the Inter-Parliamentary Study Program allowing parliamentary staff to visit the Australian Parliament, observe its workings, and share ideas on best practices with Australian parliamentary staff.¹⁴

Additional resources on best practices in parliamentary reform are available through the International Federation of Library Associations and Institutions, which publishes the results of its annual conference on parliamentary research services and best practices.¹⁵ The European Parliament also hosts a website to educate people on the workings of the parliament, with a section explaining the organization of the secretariat and the functions of its various departments.¹⁶

¹² National Democratic Institute (2013). *Development of Parliamentary Research Services in Central Europe and the Western Balkans*, March 30, 2015, <https://www.ndi.org/files/development-of-parliamentary-research-services-CEE.pdf>, p. 6-7.

¹³ Inter-Parliamentary Unit (IPU).

¹⁴ Parliament of Australia. *Parliamentary Strengthening*, accessed March 30, 2015, http://www.aph.gov.au/About_Parliament/International_Program/Parliamentary_Strengthening.

¹⁵ June R. Verrier, International Federation of Library Associations and Institutions Council (2000). *How to establish a parliamentary research service: does one size fit all?*, accessed March 30, 2015, <http://archive.ifla.org/IV/ifla66/papers/079-098e.htm>.

¹⁶ European Parliament. *Homepage*, accessed March 30, 2015, <http://www.europarl.europa.eu/aboutparliament/en/00d7a6c2b2/Secretariat.html>

Commitment 18.7; Parliamentary Code of Conduct

Commitment Title:	Developing the codes of conduct of the Lower House and the Senate	Number:	18.7
Implementing Actor: <i>(as in NIS)</i>	Lower House, Senate	Timeline: <i>(as in NIS)</i>	First quarter 2014- second quarter 2014
Full text: <i>(as in NIS)</i>	Developing the codes of conduct of the Lower House and the Senate.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input checked="" type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input type="checkbox"/> Openness and transparency <input type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

As of the writing of the NIS, the House of Representatives did not have a code of conduct for their members, with conduct mainly governed by the houses' internal bylaws. In the House of Representatives, the bylaws were most recently revised in 2013. The 'Bylaws for the House of Representatives' do not address ethical or behavior issues of MPs except where they pertain to the order of business during parliamentary sittings. More specifically, Chapter 11 (Articles 99-124) on the Order of Speaking stipulate what kinds of speech are unacceptable on the floor of the parliament, including slanderous verbal abuse of other people. Other provisions discussing MP behavior are chapter 16 on MP Immunity (Articles 146 – 153), Chapter 18 (Articles 162 – 164) on MP vacation, and Chapter 20 (Articles 165-171) on Order and Security in the House.¹

Until 2014, behavior of the members of the Senate was also governed by the Senate's internal bylaws. Similarly to the House bylaws, the Senate bylaws do not discuss provisions governing behavior of MPs except if it pertains to the conduct of sessions or parliamentary business. Relevant provisions include Article 8-11 on the conduct of discussions, Article 13 on petitions and complaints, Article 14 on absences and leaves, Article 15 on immunity, and Article 16 on revoking membership of senators.²

¹ The Hashemite Kingdom of Jordan, House of Representatives Bylaw [In Arabic] 2013. Official Gazette 5247, October 20, 2013.

² The Hashemite Kingdom of Jordan, Senate Bylaw [In Arabic] 2014. Official Gazette 5266, January 26, 2014.

HM King Abdullah requested that the House of Representatives adopt a code of conduct in his February 2013 Throne Speech at the start of the Parliament's Non-Ordinary Session³ and in his November 2013 Throne Speech at the start of the Parliament's 3rd Ordinary Session.⁴

Implementation of Commitment

Despite ongoing attempts throughout 2014, the House of Representatives has not approved a code of conduct. HM King Abdullah requested again that the House of Representatives adopt a code of conduct in his 2014 Throne Speech at the start of the 2nd Ordinary Session.⁵ On April 15, 2014, the House of Representatives debated a draft code of conduct during a closed session. Upon the final vote, the MPs refused to pass the draft code and postponed the vote due to a consensus among MPs that it put unnecessarily strict restrictions and complaints that a code of conduct would be unconstitutional.⁶

On June 25, the Parliament held a session to vote again. In the final vote, 52 of the 83 MPs present voted against, once again arguing that the code put unnecessary restrictions on MPs' activities, that it was worded too generally, and that it would be unconstitutional.⁷ At the beginning of the 2nd Ordinary Session in November 2014, the draft code of conduct was given to the Organization and Behavior Committee, which has been studying the draft law and making revisions to it with the expectation being that it will be presented to the House before the end of the Session.⁸ It was not presented though.

In December 2014, Al Hayat Center's RASED for Parliamentary Monitoring program, which monitors performance of the House of Representatives on a daily basis, released a statement discussing the need for a code of conduct in the House of Representatives to address issues of verbal violence among members, lack of attendance at committee meetings, and other crucial issues of behavior for MPs.⁹

³ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II (November 2, 2013). *Speech from the Throne by His Majesty Upon the Opening of the Second Ordinary Session of the 17th Parliament* [In Arabic], accessed March 16, 2015, http://kingabdullah.jo/index.php/ar_10/speeches/view/id/548/videoDisplay/0.html.

⁴ Ibid.

⁵ Ibid.

⁶ Mohammed Saleh, Ammon News (April 15, 2014). *Parliament questions the constitutionality of a code of conduct* [In Arabic]. Accessed March 30, 2015, <http://www.ammonnews.net/article.aspx?articulo=189561>.

⁷ Ammon News (June 25, 2014). *House Rejects Parliamentary Code of Conduct* [In Arabic], accessed March 30, 2015, <http://www.ammonnews.net/article.aspx?articulo=197343>.

⁸ Mustafa Riyalat, journalist. Personal interview, March 16, 2015.

⁹ Al Hayat Center for Civil Society Development (December 6, 2014). *5th Weekly Report on the Performance of Jordan's 17th Parliament during the 2nd Ordinary Session*, accessed March 30, 2015, <http://goo.gl/MUNsVm>.

During 2014, the Senate engaged in several months of discussions on a code of conduct that could serve as a binding set of rules for its members.¹⁰ The code was approved on December 11, 2014, and in general aims to govern the behavior of the members, the nature of their work, a spirit of teamwork, commitment to working in the public interest, promoting a culture of transparency and openness, and raising the level of efficiency and tangible work. The code limits senators from taking contractual relationships with any individuals or institutions that might limit their independence as senators or affects their duties. They are not to contract with government or public agencies, and they should inform the President of the Senate of any special invitations to conferences and meetings and foreign visits.

The code of conduct forbids senators from working for their individual interests. It calls for compliance with car licensing systems, a ban on carrying weapons, and a banning of smoking in the parliament dome. The code also compels Senators to submit forms disclosing the work they are involved in outside of the Senate, including companies, associations, unions and whether they are on their boards or participating with them. They must disclose any gifts over 500 JOD. Importantly, the code stipulates that senators must attend sessions of the council and its committees, and cannot miss more than three meetings of any committees of which they are members. The code also stipulates that Senators may not use research services for personal use,¹¹ as well as standards of patriotism, integrity, and national commitment.¹²

Based on the fact that a Code of Conduct has been developed for the Senate only, and not also the Lower House, implementation of this commitment is considered partially completed.

Best Practices and Recommendations

Adopting a clear code of conduct for the House of Representatives would mostly likely strengthen the work of the House by standardizing behavioral expectations, helping to reduce disruptive incidents, and helping to reduce problems of MPs' absence from sessions. Furthermore, enacting a code of conduct for the House can

¹⁰ Jordan Times (August 12, 2014). *Committee discusses Senate code of conduct*, accessed March 30, 2015, <http://jordantimes.com/committee-discusses-senate-code-of-conduct>.

¹¹ Petra News (December 11, 2014). *Senate endorses code of conduct* [In Arabic], accessed March 30, 2015, http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=1&site_id=2&NewsID=175894&Type=P.

¹² Petra News (November 24, 2014). *Senate postpones decisions on code of conduct* [In Arabic], accessed March 30, 2015, http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=1&site_id=2&NewsID=173614&Type=P.

help to increase the integrity and ethical behavior of MPs, which in turn will help boost the Parliament's overall legitimacy in the eyes of citizens.¹³

As the House works to create its code of conduct, it is important to keep in mind that a code of conduct is not designed to replace anti-corruption laws or other criminal laws. Rather, it is meant to supplement those laws and deal with cases that might not normally be considered corruption outside of the parliament, for example, receiving gifts might not be criminalized for citizens, but the parliament may want to put restrictions on it for MPs. Furthermore, it is important to remember that codes of conduct are not necessarily only for fighting corruption, but instead are meant to support the overall quality of MPs' work in Parliament.¹⁴

For parliaments that are having difficulties passing codes of conduct, it is important to remember that there are different ways of doing so. Parliaments can pass codes of conduct in the form of resolutions or orders, which would be easier to pass but harder to change, or they can pass them as laws, which would be more difficult to pass but more permanent.¹⁵

A good code of conduct for an elected body should create high standards for ethical and transparent behavior of members. Typically, codes of conduct mandate that MPs disclose information about their assets, the financial and personal interests, and gifts that they receive. Most codes either limit or restrict MPs' abilities to engage in other types of paid work while working as members of the Parliament. Codes of conduct can also set guidelines for behavior and dress in the parliament, behavior both inside and outside the parliament, and employment after departure.¹⁶ Legislatures can also adopt provisions in their codes of conduct to promote gender equality and reduce gender discrimination during the legislature's work.¹⁷

In order for a code of conduct to be effective, best practices recommend that they be written down and enshrined into formal agreements. They should be tailored to the specific needs of the body at hand, and at the same time should take into account some of the existing norms in the parliament. Good codes of conduct are harmonized with other existing legislation, and are simple to understand.¹⁸

¹³ King Prajadhipok's Institute for UNDP Regional Center Bangkok (February 2008). *Codes of Conduct for Parliamentarians, A Comparative Study*, accessed March 30, 2015, http://knjiznica.sabor.hr/pdf/E_publikacije/Codes_of_conduct_for_parliamentarians.pdf

¹⁴ *Ibid*, p. 8-9; 119.

¹⁵ *Ibid*, p. 27.

¹⁶ Organization for Security and Cooperation in Europe (OSCE), Office for Democratic Institutions and Human Rights (ODIHR) (2012). *Background Study: Professional and Ethical Standards for Parliamentarians*, accessed March 30, 2015, http://www.agora-parl.org/sites/default/files/background_study.pdf, p. 34.

¹⁷ *Ibid*, p. 56.

¹⁸ King Prajadhipok's Institute for UNDP Regional Center Bangkok, p. 120-124.

Commitments 19.6, 19.9; NIS Information

Commitment Title:	Disseminating the concepts of the NIS Charter and Executive Plan	Number:	19.6
Implementing Actor: <i>(as in NIS)</i>	Ministry of Culture, Ministry of Awqaf and Islamic Affairs, Ministry of Education, Media institutions, Ministry of Higher Education, Ministry of Political and Parliamentary Affairs	Timeline: <i>(as in NIS)</i>	First quarter 2014- first quarter 2015
Full text: <i>(as in NIS)</i>	Disseminating the concepts of the Charter and the Executive Plan, through the following: - A wide-ranging media awareness campaign harnessing the available means to spread the principles and values entailed in National Integrity Charter. - Workshops and seminars distributed geographically and according to a convenient time schedule. - A specialised interactive website to follow up on implementation and receive feedback.		

SMART Attributes	<input checked="" type="checkbox"/> Specific <input type="checkbox"/> Measurable <input type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input type="checkbox"/> Limited Completion <input checked="" type="checkbox"/> Not started <input type="checkbox"/> Unclear

Commitment Title:	Publicizing reports on the progress of work to implement the NIS	Number:	19.9
Implementing Actor: <i>(as in NIS)</i>	The party/commission defined in the 20th aspect of the Plan, below	Timeline: <i>(as in NIS)</i>	First quarter 2014 – conclusion of all projects
Full text: <i>(as in NIS)</i>	Publicizing reports on progress in the Executive Plan to enhance the National Integrity System.		

SMART Attributes	<input type="checkbox"/> Specific <input type="checkbox"/> Measurable <input checked="" type="checkbox"/> Assignable <input checked="" type="checkbox"/> Realistic <input checked="" type="checkbox"/> Time Bound
Openness Values	<input checked="" type="checkbox"/> Openness and transparency <input checked="" type="checkbox"/> Citizen Participation <input checked="" type="checkbox"/> Accountability
Progress to date	<input type="checkbox"/> Completed <input type="checkbox"/> Partially Completed (Significant progress) <input checked="" type="checkbox"/> Limited Completion <input type="checkbox"/> Not started <input type="checkbox"/> Unclear

Background

The processes surrounding the creation of the National Integrity System were well publicized in Jordan since its outset, both through press releases by the Royal Court and the Prime Ministry as well as mainstream media outlets. The King's request for Prime Minister Nsour to form the National Integrity Executive Committee - formally called the Royal Committee to Enhance the National Integrity System, was announced by the Royal Court in December 2012.¹ There were news reports discussing the NIS plan, its formation, and its contents during September 2013.²

During the period preceding the plan's drafting, the Royal Committee engaged in a number of consultations. According to the report released accompanying the NIS plan³, the Royal Committee conducted 17 consultative meetings in 2013. Twelve of these meetings, held during September of the same year, were attended by "elite intellectual and opinion leaders... including former ministers, senators, deputies, along with members of consultative council in each governorate, tribal and refugee camp leaders, mayors, senior retired military officers and representatives from the chambers of industry and trade, professional associations, trade unions, political parties and the women and youth sectors." The committee also held five additional meetings, including a consultative meeting with university administrators, a meeting with government leaders, a meeting with political parties, professional associations, and CSOs, a meeting with the House of Representatives, and a meeting with the Senate.

According to the committee, they took the inputs of these meetings into consideration when forming the plan.⁴ Analysis of the publicity surrounding these events revealed that, for the most part, these events were announced in the media after they had taken place meaning the meetings do not seem to have been announced to the public beforehand.⁵ It is not clear whether or not these meetings had open attendance or whether they were upon invitation only, but the lack of

¹ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II (December 8, 2012). *Letter to Abdullah Ensour, Re: Forming the National Integrity Committee*, accessed January 12, 2014, http://www.kingabdullah.jo/index.php/en_US/royalLetters/view/id/329.html.

² The Hashemite Kingdom of Jordan, JRTV Channel YouTube Channel (September, 2013). *The Committee for Strengthening the National Integrity Committee* [In Arabic], accessed March 10, 2015, <https://www.youtube.com/watch?v=HWD8WU3dj28>.

³ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development (2013), *The National Integrity System Charter and Executive Plan, Report of the Royal Committee to Enhance the National Integrity System* [In Arabic]. p. 63-64.

⁴ The Hashemite Kingdom of Jordan, Ministry of Culture (2014). *The National Integrity System Charter and Executive Plan*, accessed March 14 2015, <http://culture.gov.jo/new/images/manzomet.alnazaha.pdf>, p. 63-64.

⁵ The Hashemite Kingdom of Jordan JRTV Channel YouTube Channel (September 4, 2013). *The NIS Committee conducted its second consultation meeting in Ajloun*, accessed March 10, 2015, <https://goo.gl/ZlYnK3>.

publicity before the meetings would have made any kind of citizen engagement difficult.

After the consultation period in the fall of 2013, Al Hayat Center spoke with a number of its partner CSOs around the country, and most reported that they had not been given the chance to be involved in the consultation meetings.⁶ Al Hayat also did not find evidence of extensive engagement with the private sector in the creation of the report,⁷ while representatives of the private sector did attend the ceremony to launch the NIS plan,⁸ even though the report deals extensively with issues related to the private sector.

The Prime Ministry uploaded a PDF document to its website around November 16th, 2013,⁹ informing the public that a draft of the NIS had been published and was available online, and it gave an email address and fax number for citizens to send comments to, with a deadline of November 26, 2013. It also contained a link to the draft plan, hosted on the file hosting website Dropbox.com.¹⁰ This announcement was not found on the Prime Ministry's webpage itself, but only through a direct link published in a number of news sources.¹¹ Comments – if any – were not published for the public to read, but were only received internally by the Prime Ministry.

Al Hayat Center published a report that analyzed the development and content of the plan on November 21, 2013,¹² criticizing the short period set aside for public commenting. Following this report and other complaints by civil society, the government announced an extension of seven days.¹³ It is interesting to note that the draft plan was not marked as a draft, and the plan does not appear to have changed between the draft version and the final version posted online on some of the governmental websites and hard copy prints.

⁶ Series of phone conversations between Al Hayat Center and CSO partners, October 2013.

⁷ Private Sector Stakeholder meeting with the research team. Amman, March 24th 2015.

⁸ Al-Rai Newspaper (December 10, 2013). *The implementation of the NIS is a shared responsibility* [In Arabic], accessed March 11, 2015, <http://www.alrai.com/article/621174.html>.

⁹ The Hashemite Kingdom of Jordan, Prime Ministry (November 16, 2013). *Invitation from the Royal Committee to Strengthen the National Integrity System* [In Arabic]. Accessed March 23, 2015, <http://www.pm.gov.jo/uploads/NAZAHA-DOC-WEB.pdf>.

¹⁰ The Hashemite Kingdom of Jordan, Dropbox.com. *Draft of the National Integrity System Charter and Executive Plan*, accessed March 11, 2015, <https://dl.dropboxusercontent.com/u/35483759/NAZAHA-DOC-WEB.pdf>.

¹¹ See: Al Wakeel News. *Publication of the First Draft of the National Integrity Charter* [In Arabic], accessed March 12, 2015, <http://www.alwakeelnews.com/print.php?id=75824>.

¹² Al Hayat Center for Civil Society Development (November 21, 2013). *First Analysis Report on the National Integrity Charter and Executive Plan* [In Arabic]. Accessed May 20, 2015, <http://www.hayatcenter.org/uploads/2015/05/20150520140939ar.pdf>.

¹³ Al Dustour (November 25, 2013). *Al Dustour Publishes the First Draft of the National Integrity Charter and Executive Plan* [In Arabic], accessed March 12, 2015, <http://goo.gl/WpSdof>.

The Royal Committee held a conference on the National Integrity System in December 2013 during which it discussed the final draft,¹⁴ and on January 9, 2014 the committee delivered the official copy of the NIS to the King in a ceremony held in the Royal Cultural Center in Amman.¹⁵ During the last step of the in combining the plan, the Royal Hashemite Court released an animated video on its Youtube channel on December 9, 2013, explaining the purpose and structure of the National Integrity System.¹⁶

Implementation of Commitment

In February 2014, King Abdullah sent a letter to His Excellency Dr. Raji' al Mu'ashar to establish the Royal Committee to Evaluate and Follow the Implementation of the Executive Plan of the National Integrity Charter, referred to here as the Royal Evaluation Committee.¹⁷ This committee is not to be confused with the Royal Committee to Strengthen the National Integrity System, which oversaw the creation and implementation of the plan.

A widespread awareness campaign:

The research team was unable to find evidence that a wide spread awareness campaign was conducted throughout the Kingdom regarding the NIS. However, a number of meetings between the government, civil society organizations, and the private sector were conducted during 2014 to discuss progress of the plan. Most publicity came from periodic government press releases or events held in the capital, and there is no evidence of an active campaign having been conducted to spread awareness in an extensive manner. Other than the YouTube video published by the Royal Court, there do not appear to be efforts to explain the plan to citizens, and research did not reveal any efforts to spread awareness of the plan in the governorates or rural areas.

As discussed in the introduction, one of the biggest obstacles to widespread awareness and dissemination of the NIS plan was the fact that there were several inconsistent versions of the plan published by the government without any explanation. The different drafts of the NIS that have been circulated include:

¹⁴ Al Rai (December 1, 2013). *Nsour: Ensuring the success of the National Integrity System is our common responsibility* [In Arabic], accessed March 10, 2015, <http://www.alrai.com/article/619600.html>.

¹⁵ Al-Rai (December 10, 2013). *The King: implementation of the NIS is a shared responsibility* [In Arabic]. Accessed December 2, 2014, <http://www.alrai.com/article/621174.html>

¹⁶ The Hashemite Kingdom of Jordan, The Royal Hashemite Court of Jordan YouTube Channel (December 9, 2013). *The National Integrity System* [In Arabic], accessed March 12, 2015, <https://www.youtube.com/watch?v=ys-zlpGGHXg>.

¹⁷ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II Ibn Al Hussein (February 2014). *Letter to Raji' al Mu'ashar on forming a committee to follow and evaluate the progress of the National Integrity System Executive Plan* [In Arabic], accessed March 11, 2015, http://kingabdullah.jo/index.php/ar_I0/royalLetters/view/id/341.html.

1. The Draft NIS Plan published on Dropbox.com in November 2013 as a PDF in Arabic. This plan is not marked as a draft in any way, and is still available for viewing and downloading. The plan is missing 14 key provisions that were included in English and Arabic versions of the plan published by the MoPSD. The plan is simply dated “2013.”¹⁸
2. A version of the NIS Plan published on various ministries’ websites during 2014, including the website of the Ministry of Culture and the Ministry of Education. The version of the plan is published as a PDF in Arabic. This Arabic version also lacked 14 commitments that were included in English versions and other Arabic versions of the plan published by the MoPSD. These documents are also dated as “2013.”¹⁹
3. A single print version of the plan including both English and Arabic by the Ministry of Culture that was distributed to government ministries in the fall of 2014.²⁰ The plan, according to its cover page, is dated 2014. The English version of the plan contains a number of key provisions that were omitted from the Arabic version of the plan.
4. Versions of the NIS posted online by the Ministry of Public Sector Development after January 2014 as a PDF file in English and Arabic. The Arabic version of the plan included the several commitments that were omitted in the other versions described above. This plan is dated “2013.”²¹
5. A paper version of the plan printed in English and Arabic by the Ministry of Public Sector Development on an unknown date. It is dated 2013 on its cover page. This version of the plan includes the same commitments as the PDFs posted on the Ministry website, including all commitments in both English and Arabic.²²

In its consultations with stakeholders and government officials, it was found that there is no consensus about which version of the plan is the principal version that should be used as reference. In fact, in most cases, the research team found that government officials were not aware that there was more than one version of the plan.²³ As noted above, most of the plans were simply dated “2013,” making it hard to tell when exactly they were published, including the plan in which all contained commitment were identical. The plan dated most recently, the printed version published by the Ministry of Culture and dated 2014 is actually missing 14 commitments in Arabic that are found in the English or other Arabic versions of the

¹⁸ Dropbox.com.

¹⁹ Hashemite Kingdom of Jordan, Ministry of Culture *The National Integrity System Charter and Executive Plan 2013*, accessed March 15, 2015, <http://culture.gov.jo/new/images/manzomet.alnazaha.pdf>.

²⁰ The Hashemite Kingdom of Jordan, Ministry of Cultural Affairs, *The National Integrity System Charter and Executive Plan 2014* [In Arabic].

²¹ The Hashemite Kingdom of Jordan, Ministry of Public Sector Development. *The National Integrity System Charter and Executive Plan 2013*. Accessed January 30, <http://www.mopds.gov.jo/ar/PDF%20Files/NIC%20Booklet%20Arabic%20Published.pdf>

²² The Hashemite Kingdom of Jordan, Ministry of Public Sector Development, *The National Integrity System Charter and Executive Plan 2013* [In Arabic].

²³ Consultations with government stakeholders in a number of ministries, January – March 2015.

plan published by the MoPSD. However, because the Ministry of Culture version is dated 2014, many readers might be inclined to believe that this is the most up to date version of the plan. The above referred to 14 commitments omitted from earlier Arabic versions of the plan were for the most part commitments with political sensitivity, dealing with issues such as national military service, auditing of civil society organizations, and restrictions on the media sector. A list of those omitted commitments is included in Annex (2) of the report.

An interactive website

As of January 2015, research did not reveal any website specifically devoted to the National Action Plan, nor did it find any major portion of any government website devoted to the National Action Plan except those described above. There are no known online mechanisms for citizens to give the government feedback on the NIS.

It appears that some ministries have published the plan on their websites. These include the Ministry of Culture, which has a link to the PDF of the plan on its main webpage, yet with no accompanying information.²⁴ The Ministry of Education's website has a page with an introduction to the National Integrity System, an explanation of its importance to the country, and a link to the PDF of the plan.²⁵

Researchers were not able to locate information on the NIS on the websites of the ministries of Awqaf and Islamic Affairs, Higher Education, or the Political and Parliamentary Affairs as late as December 31, 2014.²⁶ The Minister of Awqaf and Islamic Affairs made comments about the National Integrity System in a speech delivered to the Hashemite Scholars Council in July 2014, stressing the importance of implementing the NIS and arguing that fairness and integrity are integral Islamic principles.²⁷ The Minister of Political and Parliamentary Affairs attended a meeting on the NIS in September 2014, hosted by the Royal Evaluation Committee in cooperation with political parties to discuss more about the NIS.²⁸

²⁴ The Hashemite Kingdom of Jordan, Ministry of Culture (2014).

²⁵ The Hashemite Kingdom of Jordan, Ministry of Education and Development. *What is the National Integrity System and Why do we Need it?* [In Arabic], accessed March 14, 2015, <http://www.moe.gov.jo/SectionDetails.aspx?SectionDetailsID=200>.

²⁶ The Hashemite Kingdom of Jordan, Ministry of Political and Parliamentary Affairs. *Homepage*. Accessed March 15, <http://www.moppa.gov.jo/public/index.aspx>; and Ministry of Awqaf. *Homepage*. Accessed March 15, 2015, <http://www.awqaf.gov.jo/?id=50>; and Ministry of Higher Education. *Homepage*. Accessed March 15, 2015, <http://www.mohe.gov.jo/HomePage/tabid/36/language/ar-JO/Default.aspx>.

²⁷ Petra News (July 5, 2014). *The Hashemite Scholars Council Begins its Work in Amman* [In Arabic], accessed March 16, 2015, http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2&lang=1&NewsID=157200&CatID=19&Type=Home>ype=1.

²⁸ Petra News (April 27, 2014). *Party Members reiterate the Importance of Aligning the NIS with the Highest Interests of the State* [In Arabic], accessed March 15, 2015, http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?Site_Id=2%20&lang=1&NewsID=166830&CatID=15&Type=Home>ype=1.

Publicizing reports on progress in the Executive Plan

The King noted progress on the NIS in his Fifth Discussion Paper on Jordan's democratic transition in September 2014²⁹ and in his Throne Speech in November 2014.³⁰ His Majesty also called for strengthening the plan in a letter to PM Nsour in December 2014.³¹ The Cabinet met in December 2014 to discuss progress on the National Integrity System and other anti-corruption efforts in a meeting publicized in the media.³²

Moreover, throughout 2014, there were various government sponsored initiatives to discuss the progress of the NIS that received mention in the press. For example, In July 2014, the Economic and Social Council of the Executive Branch was briefed on the progress of the Royal Evaluation Committee in order to follow up on its work and ensure its compliance with the King's directives, with the meeting being held in the presence of a number of civil society and government representatives.³³ The Royal Evaluation Committee also met with a number of representatives of political parties in September 2014 to discuss implementation of the plan and its relationship to political parties.³⁴ However, most of these events were with government agencies and citizens were not included, as well as no concrete and extensive progress report(s) having been published to public. In a stakeholder meeting facilitated by the research team to discuss the results of this report, the Chairman of the Royal Evaluation Committee announced that they are in the process of preparing such a report which is to be published soon.³⁵

Based on the information accessed by the research team and above analysis, commitment 19.6 is considered as not having been started, and commitment 19.9 is assessed as being implemented to a limited degree.

Best Practices and Recommendations

²⁹ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II Ibn Al Hussein (September 13, 2014). *Goals, Achievements and conventions: Pillars for Deepening Our Democratic Transition* [In Arabic], accessed March 16, 2015, http://kingabdullah.jo/index.php/ar_I0/pages/view/id/255.html.

³⁰ The Hashemite Kingdom of Jordan, His Majesty King Abdullah II Ibn Al Hussein (November 2, 2013). *Speech from the Throne by His Majesty Opening the Second Ordinary Session of the 17th Parliament* [In Arabic], accessed March 16, http://kingabdullah.jo/index.php/ar_I0/speeches/view/id/548/videoDisplay/0.html.

³¹ Al Jazeera Net (December 9, 2012). *King of Jordan Calls for Strengthening the Integrity System* [In Arabic], accessed March 15, 2015, <http://goo.gl/oJUwAz>.

³² Al Ghad (December 11, 2014). *Council of Ministers discusses Jordan's Progress Fighting Corruption* [In Arabic]. Accessed March 15, 2015. <http://goo.gl/Vazj8R>.

³³ The Hashemite Kingdom of Jordan, Economic and Social Council of Jordan (July 2014). *The Economic and Social Council Reviews the Work of the Committee to Evaluate the National Integrity System Executive Plan*, accessed March 13, 2015, <http://www.esc.jo/NewsViewerar.aspx?NewsId=111#.VNXwylWUfTE>.

³⁴ Media News Channel (September 27, 2014). *The Transparency and Integrity Committee sits with the Political Parties* [In Arabic], accessed March 12, 2015, <http://goo.gl/4lCuVm>.

³⁵ Meeting to discuss the report's first draft. Amman, June 1, 2015.

Disseminating the NIS plan as widely as possible among the population can increase the transparency and accountability of the process, which will serve inclusivity and representation, in addition to helping ensure more robust implementation of the plan throughout the country. The responsible bodies should make more concerted efforts to publish information about the NIS, especially in a way that enhances outreach to women, youth, persons with disabilities, and inhabitants of rural areas.

Creating the interactive website called for in the plan will give citizens a common reference for their discussions about the plan; at the same time, there is a need for events and activities throughout the country to disseminate information to citizens who might not otherwise view the plan online. Especially as other components of the plan are implemented, gathering feedback from a diverse array of citizens can be essential to monitoring the progress of efforts and improving them on a continuing basis. CSO stakeholders consulted by the research team have indicated that for the plan to be implemented well, it should be disseminated widely among stakeholders, and that the government should seek real feedback on the plan, instead of presenting information about the plan and its contents after they have been decided or implemented.³⁶

Keeping the public updated on the progress of NIS implementation could be crucial in ensuring transparency and openness of the process, and could be a great help to ensure citizens and civil society can help keep public actors accountable. In order to best achieve these goals, publication of a report should be done in such a way that it encourages citizen feedback, so that citizens can participate in the monitoring and follow-up of the plan, and the implementing actors can hear a wider range of voices and ensure more robust participation.

³⁶ Media and Civil Society Stakeholder meeting with the research team. Amman, March 23, 2015.

Annex 1: Methodology

Throughout the research process, Al Hayat Center worked to create a report on the NIS that would be informative, based on objective facts, rigorous, and carefully documented. Al Hayat Center developed the methodology for this report based on its extensive experience in civil society and monitoring and evaluation research.

Al Hayat conducted this research using a number of research methods, including:

1. Desk analysis and research using online and print sources
2. Semi-structured interviews with stakeholders, including but not limited to government officials, civil society actors, private sector, and other interested citizens.
3. Use the services of consultants with specialized backgrounds and skillsets
4. Stakeholder meetings

For the desk research component, the research team conducted research using publicly available sources, which mostly consisted of news articles, government statements, reports by government and non-government bodies both local and international, and the content of a variety of websites. Sources also included a number of print materials such as published government reports or internal documents, communications, and reports. In analyzing these sources, Al Hayat paid close attention to each source's origin, publication date, credibility, and original context. Throughout the process, Al Hayat emphasized the use of online sources because they are accessible to all citizens and allow for the greatest deal of transparency. All print and online sources in this report are carefully documented according to a standard citation method to make the research content transparent and easy to verify.

For the semi-structured interviews with stakeholders throughout the process, the research team conducted a number of interviews both to gather their opinions about various aspects of the reforms envisioned in the plan's commitments and to find out more specialized information regarding the implementation of commitments. Al Hayat requested meetings with a large number of government stakeholders; while a number of them were responsive in meeting with researchers and providing them with information, other government agencies were not interested or refused to multiple requests for interviews. Specific agencies approached are highlighted within each commitment analysis. Semi-structured interviews took different approaches, while most of them—especially those conducted with government officials—were conducted in person, other interviews were conducted via phone or email. Interviews helped the researchers learn about what different people knew about the NIS and how they interpreted the commitments. In many cases, interviews were key to finding out information that was not otherwise available in other sources.

In using the services of several consultants, the process aimed to obtain information about various specialized areas of the report, including those dealing with decentralization, financial

administration, budgeting and economic practices, legal frameworks and others. These consultants were qualified experts in their fields and provided additional research and insights, However, all final analysis and writing was done by the research team in Al Hayat Center.

Finally, the research team conducted two topical stakeholder meetings. While both of them focused on the level of engagement of those stakeholders in the development and implementation of the plan, each one focused on specific commitments relevant to the stakeholders. The first meeting focused on media and civil society, and the second meeting focused on the private sector. For these meetings, Al Hayat invited diverse representatives from each sector in order to promote inclusion of different experiences and viewpoints. Al Hayat facilitated both meetings by posing discussion questions to the participants and moderating the discussions, but the main purpose of these meetings was to listen to the stakeholders' views. In some cases, the stakeholders converged on their opinions and agreed on certain points while in other cases, they tended to disagree; these points of agreement and contention are well documented in the report. The tables below have information about these meetings and interviewed:

Each chapter in this report corresponds to one commitment in the NIS plan (86 commitments). Although the commitments are not numbered in the original plan, the commitments are assigned numbers in this report for easy identification and comparison. Each chapter in this report has:

First, brief information on the commitment, including the text, timeline, and responsible body as it appears in the plan, an analysis of the language of the commitment according to the SMART attributes (specific, measurable, assignable, realistic, and time bound) and an analyses according to the openness attributes (openness and transparency, citizen participation, and accountability).

Second, each chapter includes commitment analysis with a focus on three main division. First is the background of the commitment including the evolution of national programs and strategies, legal framework. The section discusses the recent history of policy in the area of the commitment (with a focus on the last ten years where applicable). Second the chapters include an analysis of the commitments themselves including information on steps taken to implement the commitment during the report time frame. Finally, each chapter includes documentation of internationally recognized best practices related to the commitment content and recommendations by the research team.

It's worth mentioned that working according to internationally recognized best practices is in keeping with His Majesty King Abdullah's Royal Letter to Prime Minister Ensour requesting the formation of the National Integrity Committee, the National Integrity Charter, and the Executive Plan for Implementing the National Integrity System itself, which all call for reforms based upon best practices.¹¹⁹⁸ Studying best practices means recognizing that other countries and other institutions may have experience in reform areas similar to Jordan and can provide useful lessons

¹¹⁹⁸ Hashemite Kingdome of Jordan. The National Integrity System "Charter and Executive plan" 2013. Page 4.

learned and models. It is important to remember the uniqueness of the Jordanian context and the need to adapt lessons and models to the specific contours of Jordanian society, which was taken into account in the formulation of recommendations. At the same time, internationally recognized best practices can be useful starting points for discussions about how to improve the quality of the development and implementation of the reform plans.

Seeing as the chapters deal with broad areas, they are not meant to be fully comprehensive. Readers interested in learning more are encouraged to follow the sources listed in the chapter to do additional deeper research on the topics.

Stakeholder meeting with Media and Civil Society, Amman on March 23, 2015:

<i>NO.</i>	<i>Name</i>	<i>Organization</i>
1.	Afnan Halloush	The East-West Initiative
2.	Raja Hiyari	Partners Jordan
3.	Amjad Kraimeem	All Jordan Youth Committee
4.	Ruba Al Hammes	Identity Center
5.	Ali Badran	Identity Center
6.	Jihad Al Mansi	Al Dastour Newspaper
7.	Mohammed Al Zyoud	Al Rai Newspaper
8.	Waleed Hosni	Center for Defending the Freedom of Journalists
9.	Salah Al Ma'aitah	Jafa
10.	Etaf Alrodan	Radio Al Balad

Stakeholder meeting with the Private and Public sectors, Amman, March 26, 2015:

<i>NO.</i>	<i>Name</i>	<i>Organization</i>
1.	Mohammed Al Zoubi	Grocery Retail
2.	Kahlil Soudi	Dental Medicine
3.	Feras Mohsen	Entrepreneur (Multiple sectors)
4.	Akram Salama	Print Publishing
5.	Ma'amoon Al Zyoud	Chamber of Commerce Amman
6.	Marwan Hamdan	ICT
7.	Mahmoud Eid	Logistics & Services

Personal and Phone Interviews

NO.	Name	Organization / Government Agency
8.	Alejandro Brocato Cardoso,	Resident Advisor to the EC Twinning Project
9.	Abd al Razzaq al Mahtasab	Citizen, resident of Ma'aan
10.	Suleiman al Khawaldeh	Citizen, resident of Mafraq
11.	Ala' al Suwa'i	Citizen, Resident of Ajloun
12.	Hani al Rafou'	Citizen, Resident of al Tawfileh
13.	'Abbas al Nuwaiseh	Citizen, Resident of al Karak
14.	Hassan al Khaza'leh	Director, Al Afaq Center, Mafraq
15.	Rawan al Jayousi	Director, Radio al Balad
16.	Kamal al Muhadeen	Geneva Center for Human Rights
17.	Isra' al Muhadeen	Lawyer
18.	Sa'ed al Bashtawi	Lawyer
19.	Mudrak al Badour	Lawyer
20.	Khaled Mohammed	Journalist
21.	Amer al Qudah	Journalist
22.	Rashid al Qaraleh	Journalist
23.	Sharif al Amri	Al Ghad Youth Organization
24.	Ahmad Owad	Phonex Center for Economics and Informatics Studies
25.	Jamal al Alyom	Member of the Tayyar al Watani Party
26.	Dr. Ahmad al Shunaq	Member of the Watani al Dastouri Party
27.	Abd al Majid	Member of the Shabab al Watani al Urduni Party
28.	Majdi al Ameer	Journalist
29.	Osama al Azzam	Ministry of Finance
30.	Hussein al Adwan	Ombudsman Bureau
31.	Dr. Ziad Fareez	The Central Bank of Jordan
32.	Zeina Touqan	Ministry of Planning and International Cooperation
33.	Iyad Abu Zeid	Secretary, Parliamentary Finance Committee
34.	Dr. Ahmad Mushaqiba	The General Supplies Department
35.	Adi Ghuneim	Head of Financial Support Schemes/Jordan Services Modernization Program, Jordan Enterprise Development Corporation
36.	Hussam Abo Ali	Ministry of Finance
37.	Mohammed Ziyoud	Ministry of Industry and Trade
38.	Mina al Qilab	Ministry of Municipal Affairs
39.	Hussein Maheedat	Ministry of Municipal Affairs
40.	Ahmad al Safadi	Member of the House of Representatives
41.	Hayil Wada'an al Da'aja	Member of the House of Representatives
42.	Mo'ataz Abu Rumman	Member of the House of Representatives
43.	Mohammed al Gharir	Secretary General of the House of Representatives

Consultants & Experts

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- Rakez Al Khalayleh
- Salama Derawi
- Radad al Ghaleb
- Eyad Abu Zeid
- Hamza Al Akayleh

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- Britt Peacock, Research Assistant

Annex 2: Commitments omitted from the first Arabic Drafts

Aspect number	Number of Missing Commitments	Full text of Commitments Missing
1	1	1.2.7 Making it mandatory for all agencies subject to monitoring by the Audit Bureau and the Ombudsman Bureau to post the phone numbers of the ACC in their offices and premises and encourage employees and citizens to report suspected acts of corruption in accordance with the provisions of the law.
3	Part of 1	3.1 (4) Enhancing oversight and regulatory mechanisms with regard to financial non-banking companies, in collaboration between the CBJ and the Companies Control Department, with addressing related legislative loopholes.
12	2	12.8 Public institutions should regularly publish their non-classified reports (as defined by the Law of Protecting State Secrets and Documents). 12.9 – Working out mechanisms to ensure integrity and transparency in the internal and external grants and financial assistance.
14	3	14.6 – Professional associations, political parties, non-profit societies and studies centers should publish their budgets, sources of funding and ways of spending funds and have them audited by accredited auditing firms . 14.7 – Setting a regulatory framework to streamline the situation of civil society institutions that receive foreign funding, ensuring oversight over funding and spending and that these institutions do not practice profit-making activities. Any institution violating these principles will be subject to taxation provisions. Moreover, there should be focus on the aspects of guidance, information dissemination and educating the public on this matter.

		14.8 – Civil Society Institutions that receive foreign funding should be subject to Audit Bureau monitoring, while any foreign or external funding must be subject to Cabinet approval
15	1	15.4 Identifying the powers, responsibilities and roles of each of development zone and the municipality in the same geographical area.
16	2	16.2 Revisiting and developing the Higher Education Accreditation Commission and relevant legislation to enhance its independence and support its role. 16.3 –Setting criteria and mechanism to protect intellectual property rights in the higher education field against plagiarism.
18	1	18.3 Reducing the number of seats at the Lower House to a range of 60-120 seats, after carrying out a study to set the proper number within this range.
19	3	19.7 – Reactivating military service and the popular army. 19.8 – Making it mandatory for the Audit Bureau and the Anti-Corruption Commission to provide training courses in the form of lectures or via electronic media for the employees of agencies subject to their monitoring and civil society institutions, provided that they are regular and mandatory for some posts.
Total	12 full 1 partial	
From What Hayat Analyzed	8 full	1.2.7, 12.8, 12.9, 14.6, 14.7, 14.8, 15.4, 18.3